

Oregon Department of Water Resources

In the Matter of a Request for)
Reconsideration of Certificate of) Final Order in Other than a
Water Right No.'s 80472, 80473 and) Contested Case
80474)

On December 26, 2003, the Water Resources Department (the Department) issued Final Orders in Other than a Contested Case described as Certificate of Water Right Numbers 80472, 80473 and 80474. The Certificates describe the extent use of water perfected under the terms of Permit Numbers 34598, R-1678 and 23218. The holder of the Permits and Certificates is Adel Water Improvement District.

FINDINGS OF FACT and CONCLUSIONS

1. On October 13, 1954, the Circuit Court of Lake County entered a Decree and directed the State Engineer to issue permits in approval of Application No.'s R-25395 and 25396, subject to conditions contained in the Decree.
2. Permit No. R-1678, was issued in approval of Application No. R-25395 and allowed for the construction of Greaser Lake Reservoir and storage of 10,000 acre-feet of water on March 21, 1955.
3. Permit No. 23218, was issued in approval of Application No. 25396 allowing for the use 10,000 acre-feet of water from Greaser Lake Reservoir constructed under Permit No. R-1678 on March 21, 1955.
4. Permit No. 34598, was issued in approval of Application No. 44120 allowing for the use of 75.6 cubic feet per second of water from Deep Creek and Twenty Mile Creek on May 7, 1970.
5. Permit No.'s R-1678 and 23218 contain no reference to the October 13, 1954, Decree of the Lake County Circuit Court.
6. The use of water under Permit No. 34598, is subject to the provisions of the Decree of the Circuit Court for Lake County entered October 13, 1954, concerning passage of water into Hart Lake.
7. Water Right Certificate No. 80472, described a right to appropriate 73.73 cubic feet per second of water from Deep Creek and Twenty Mile Creek, for irrigation and supplemental irrigation of 2945.5 acres of land in Lake County, Oregon.
8. Water Right Certificate No. 80473, described a right to store 10,000 acre-feet of water in Greaser Lake Reservoir from Twenty Mile Creek, for

irrigation, in Lake County, Oregon.

9. Water Right Certificate No. 80474, described a right to appropriate 10,000 acre-feet of water from Greaser Lake Reservoir, for irrigation and supplemental irrigation of 2495.6 acres of land in Lake County, Oregon.
10. On January 28, 2004, Jesse Laird, and Con and Sally Fitzgerald provided the Department new information that these Certificates should properly include conditions requiring Adel Water Improvement District to bypass water to fill Hart Lake with 47,400 acre-feet of water (above 4466 elevation above sea level) before beginning to impound 10,000 acre-feet of water in Greaser Reservoir.
11. Under Oregon Administrative Rule 137-004-0080, the Department may on its own initiative reconsider any Final Order in Other than a Contested Case within 60 days of issuance.
12. To further investigate this new information, the Department hereby withdraws for reconsideration Final Order Water Right Certificate Numbers 80473 and 80474 issued on December 2, 2003.

ORDER

The Department hereby reconsiders and withdraws Final Order Water Right Certificate Numbers 80473 and 80474. Certificate Numbers 80473 and 80474 are of no further force or effect.

Dated this 29th, day of January, 2004.



Paul R. Cleary, Director
Water Resources Department