

Oregon Department of Water Resources

In the Matter of Withdrawal of )  
Certificate 88529 )

Final Order in Other than a  
Contested Case

On December 13, 2013, the Water Resources Department issued a Final Order in other than a Contested Case described as Certificate of Water Right Number 88529, in the name of Shotgun Ranch LLC. The Certificate described the extent of use of water, to the satisfaction of the Department, perfected under the terms of Permit R-14639.

The Department is reconsidering the issuance of the above referenced certificate on its own initiative because the Department has determined that Certificate 88529 contained a condition not included in the original permit.

**FINDING OF FACT**

1. Certificate 88529 was issued on December 13, 2013, to confirm the use developed under the terms of Permit R-14639.
2. The Certificate included the following condition not included in the permit:  
"The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently."
3. The condition was incorrectly included in the Certificate.
4. OAR 137-004-0080 allows the Department to reconsider the final order within 60 calendar days of the date of the order.

**CONCLUSIONS OF LAW**

Oregon Administrative Rule 137-004-0080 allows the Department to reconsider the final order issuance.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

ORDER

The Department hereby reconsiders and withdraws Final Order Water Right Certificate Number 88529 in the name of Shotgun Ranch LLC. Final Order Certificate Number 88529 is of no further force or effect.

Dated FEB 10 2014.

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

Dwight W. French  
Administrator, Water Right Services, for  
Phillip C. Ward, Director  
Oregon Water Resources Department