

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Allocation of Conserved) CORRECTING FINAL ORDER
Water, Certificate 50401 and Certificate)
26001, Umatilla County, Oregon)

Marvin Sams submitted an application for allocation of conserved water on May 20, 1999. The Department issued an order approving the allocation on September 1, 1999. The order was filed at Special Order Volume 53, pages 1191 to 1193.


Subsequent to issuance of the order, the Department identified a scrivener's error in assignment of the priority dates for the conserved water rights. The order describes the priority dates for the applicant's portion of the conserved water as being the same as those of the originating rights and the priority dates of the state's portion for instream use as being one minute junior to those of the originating rights.

Pursuant to section 4, chapter 726, Oregon Laws 1997, the applicant may chose that the priority dates for the rights to the use of the conserved water be either the same as those of the originating rights or one minute junior to those of originating rights. However, the alternative chosen by the applicant must apply to all the conserved water rights. The Department has confirmed that the applicant intended that the conserved water rights be one minute junior to the originating rights. Therefore, section 4 of the order should read as follows:

- "4. The Department shall issue a new Certificate to the applicant for use of water from the Little Walla Walla River in the amount of 15.71 gpm/0.035 cfs under a priority of March 25, 1912 plus one minute, for irrigation of 5.02 acres of orchard located in Tax Lot 1000 within the SE ¼ Sec. 33, T 6 N, R 35 E., WM, and a new Certificate to the applicant for use of water from the Little Walla Walla River in the amount of 31.86 gpm/0.071 cfs under a priority of January 16, 1959 plus one minute, for irrigation of 5.02 acres of orchard located in Tax Lot 1000 within the SE ¼ Sec. 33, T 6 N, R 35 E., WM."

Therefore, it is ORDERED that the Special Order filed at Volume 53, pages 1191 to 1193 is modified to reflect the correction described above. All other provisions of the original order are retained.

Dated at Salem, Oregon this 22nd day of November, 2000.



For Paul R. Cleary
Director

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.