

**Oregon Water Resources Department
Water Right Services Division**

IN THE IN MATTER OF WITHDRAWING)
CANCELLATION ORDER AND) ORDER ON RECONSIDERATION
REINSTATING WATER RIGHT)
CERTIFICATE 90384)

Summary: Certificate 90384 is reinstated.

Authority

Oregon Revised Statue (ORS) 540.621 and Oregon Administrative Rules (OAR) 690-17-0100 direct the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

ORS 536.075 and OAR 137-004-0080 describes the process for reconsideration of an order in other than a contested case.

FINDINGS OF FACT

1. On January 31, 2018, a Final Order cancelling Certificate 90384 was issued and recorded in Department records at Special Order Volume 107, Pages 564-56.
2. On March 14, 2018, the City of Gladstone filed a timely Petition for Reconsideration of the Final Order approving voluntary cancellation of water right Certificate 90384. Additional information establishes that the certificate holders have not abandoned any and all interest in this water right and have requested that it not be cancelled.
3. On March 15, 2018 the Department reconsidered the Final Order.

This is an order in other than a 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 137-004-0080, you may petition for judicial review or 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.

CONCLUSION OF LAW

Certificate 90384 has not been voluntarily abandoned.

ORDER

The Final Order cancelling Certificate 90384 as recorded in Department records at Special Order Volume 107, Pages 564-56 is withdrawn and is of no further force or effect. Certificate 90384 is reinstated.

Dated at Salem, Oregon on MAR 20 2018



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: MAR 20 2018