# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	RECONSIDERATION OF A FINAL ORDER
T-13552, Morrow County	)	RECORDED IN SPECIAL ORDER VOLUME
	)	127, PAGES 1085-1088, WITHDRAWING A
	)	FINAL ORDER

## **Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

### Applicant

PORT OF MORROW ATTN: MIFF DEVIN 2 MARINE DRIVE BOARDMAN, OR 97818

### **Findings of Fact**

- 1. On November 5, 2020, PORT OF MORROW filed an application for additional points of appropriation under Certificate 90019. The Department assigned the application number T-13552.
- 2. On November 17, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13552 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of November 13, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and requested additional time for completion of the Transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

- 3. On February 22, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-13552 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 28, 2023, and in the Heppner Gazette newspaper on March 1 and 8, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 4. On March 23, 2023, Transfer Application T-13552 was approved and the order is recorded in Special Order Volume 127, Page 1085. Certificate 90019 was cancelled and the right is considered inchoate.
- 5. On March 28, 2023, the Department determined that the Final Order recorded in Special Order Volume 127, Page 1085, was erroneously issued, as the protest period was not completed.

#### **Conclusions of Law**

The additional points of appropriation proposed in Transfer Application T-13552 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

- 1. This final order supersedes the order "Final Order Approving Additional Points of Appropriation," recorded at Special Order Volume 127, Pages 1085-1088.
- 2. All other terms and conditions of Special Order Volume 127, Pages 1085-1088 approving T-13552 remain the same.

Pated in Salem, Oregon on APR 2 1 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODFOCK, ACTING DIRECTOR

**Oregon Water Resources Department** 

Mailing date: APR 2 5 2023