

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Water Right Application R-89116) ORDER ON RECONSIDERATION MODIFYING
in the name of ADCOCK FAMILY TREE FARM) FINAL ORDER
)

Authority

Pursuant to OAR 137-004-0080(4), within 60 calendar days after the date of the order, the agency may grant or deny a request to reconsider the final order.

Findings of Fact

1. On September 2, 2022, the Department issued a final order and draft permit for Water Right Application R-89116 in accordance with Oregon Revised Statute (ORS) 537.260.
2. On September 7, 2022, the Department received the permit recording fee that was requested in the September 2, 2022, Final Order.
3. On September 8, 2022, the Department received a written request for reconsideration of the final order.
4. On November 17, 2022, the Department received a revised application clarifying that the reservoir will be built without a dam.
5. The Department has determined that removing permit condition #12 is appropriate.

APPEAL RIGHTS

Appeal to a circuit court: This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

Petition to the Department for Reconsideration of the Final Order: A person entitled to judicial review of this order may also file a petition for the Department's reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).

CONCLUSION OF LAW

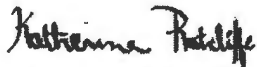
The conclusions of law in the September 2, 2022, Final Order are incorporated herein.

ORDER

This Final Order and Permit supersede the September 2, 2022, Final Order and draft permit, which are of no further force or effect.

Application R-89116 is approved and Permit R-15550 is issued.

Dated at Salem, Oregon **FEB 03 2023**



Katherine Ratcliffe
Water Rights Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department