

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

In the Matter of Water Right Application S-89249)	ORDER ON RECONSIDERATION
in the name of DALLAS RAY HICKMAN)	MODIFYING FINAL ORDER
)	

Summary: Order on Reconsideration modifying the Final Order approving Application S-89249 and issuing Permit S-55414.

Authority

This Order is issued pursuant to Oregon Administrative Rule (OAR) 137-004-0080(5), where within 60 calendar days after the date of an order in other than contested case, the agency may, on its own initiative, reconsider the final order.

FINDINGS OF FACT

1. On February 17, 2023, the Department issued a Final Order and draft permit approving Water Right Application S-89249 in accordance with Oregon Revised Statute (ORS) 537.147 and OAR 690-310 and OAR 690-340.
2. On March 9, 2023, the Department received a valid and executed contract with the Wallowa Lake Irrigation District for the use of stored water, as requested in the Final Order on February 17, 2023.
3. On April 14, 2023, the Department determined the draft permit issued with the Final Order contained errors. The order was reconsidered pursuant to the authority in OAR 137-004-0080(5).
4. The Department has determined the re-diversion location in the draft permit contained errors. The re-diversion location has been corrected on the application map and in the attached permit to the following location:
 - a. AUTHORIZED POINT OF RE-DIVERSION: T2SR45E W.M. SEC29, with measured distances being 0 FEET NORTH AND 5 FEET EAST FROM THE S¼ CORNER, SECTION 29.
5. The Department has determined the draft permit omitted the following condition, which is included in the attached permit:

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080 you may 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.

- a. The use of water under this permit is subject to the terms and conditions of the contract in the name of Dallas Ray Hickman, or a satisfactory replacement, between the Wallowa Lake Irrigation District and the permittee, a copy of which must be on file in the records of the Water Resources Department.

CONCLUSIONS OF LAW

The conclusions of law in the February 17, 2023, Final Order are incorporated herein.

ORDER

This Final Order and Permit supersede the February 17, 2023, Final Order and draft permit, which are of no further force or effect.

Application S-89249 is approved, and Permit S-55414 is issued.

DATED **JUL 21 2023**

Katherine Ratcliffe

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

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- If you have any questions about statements contained in this document, please contact Dianna Brainard at dianna.j.brainard@water.oregon.gov or 971-375-1602.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
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