

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

Water Right Application S-89260 in the name of)
MARTIN RAPIDS FARM and NATHAN MEAD)

ORDER ON RECONSIDERATION
MODIFYING FINAL ORDER

Summary: Order on Reconsideration modifying the Final Order approving Application S-89260 and issuing Permit S-55415.

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 July 21, 2023, the Department issued a Final Order and draft permit approving Water Right Application S-89260 in accordance with Oregon Revised Statute (ORS) 537.147 and OAR 690-310 and OAR 690-340.
2. On August 11, 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).
3. The findings of fact in the July 21, 2023, Final Order are incorporated herein with the following modifications. The Department has determined the draft permit omitted the following condition, which is included in the attached permit:
 - a. The use of water under this permit is subject to the terms and conditions of the contract No. 229E102187, or a satisfactory replacement, between the U.S. Bureau of Reclamation 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 July 21, 2023, Final Order are incorporated herein.

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.

ORDER

Application S-89260 is approved, and Permit S-55415 is issued.

DATED **NOV 17 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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