

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86000

Superseding Final Order

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the proposed final order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a final order in other than 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 either 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Application History

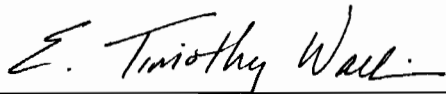
On May 7, 2004, Dan and Nina Micke submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 28, 2004. On February 7, 2005, a timely protest was filed by Lakeview Water Users, Inc. A Settlement Agreement, recorded in Special Order Volume 74, Pages 1059 to 1064, was signed by all parties as of June 2, 2008. A Final Order Incorporating Settlement Agreement was issued on June 2, 2008. The Settlement Agreement and Final Order Incorporating Settlement Agreement dated June 2, 2008 are incorporated into this final order and attached hereto.

On November 17, 2008, a permit was issued for Application S-86000. Subsequently, the Department determined that the permit erroneously described the use as supplemental irrigation on 105.2 acres rather than primary irrigation on 1.05 acres and supplemental irrigation on 104.15 acres as agreed to in the Settlement Agreement. The Department finds that Permit S-54509 requires modification to correct the error.

Order

Permit S-54520 is issued to supersede Permit S-54509. Permit S-54509 is of no further force or effect.

DATED January 15, 2009



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0816.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.