

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
CLACKAMAS COUNTY

APPLICATION S-86931 ) ORDER REJECTING  
WILLAMETTE TREE WHOLESale ) APPLICATION TO  
BASIN #2 ) APPROPRIATE PUBLIC WATERS

**Authority**

ORS 537 establishes the process by which an application to use water may be submitted. OAR Chapter 690, Division 310 implements the statute, and provides the Department's procedures and criteria for evaluating applications to use water.

**Finding of Fact**

1. Willamette Tree Wholesale filed an application for a permit to appropriate the public waters of the State of Oregon with the Water Resources Department.
2. The Department issued a Final Order on November 19, 2007. The Final Order identified that outstanding permit recording fees in the amount of \$300.00 must be submitted to the Department no later than 60 days from the date of the Final Order and that failure to pay the required permit recording fees within 60 days from the date of the Final Order may result in the proposed rejection of the application.
3. On January 27, 2010, the Department sent a letter by certified mail to the applicant, which stated that permit recording fees shall be submitted no later than March 28, 2010, and that the application would be rejected if the fees were not received by such date.
4. Both the Final Order and the certified letter indicated that an administrative hold may be sought by the deadline.
5. The applicant failed to submit permit recording fees or a request for an administrative hold by March 28, 2010.

**ORDER**

Now, therefore, it is ORDERED, Application S-86931 is hereby denied and is of no further force of effect.

*Appeal Rights*

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.

Dated May 27, 2010

*E. Tristram Wall*

for Phillip C. Ward, Director  
Water Resources Department

*This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0815.*

*If you have previously filed a protest and want to know its 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 Customer Service 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 97301-1266, Fax: 503-986-0901.*