

**Oregon Water Resources Department
Water Rights/Adjudications Division**

Water Rights Application
Number G-17138

Superseding Final Order

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. 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 November 4, 2008, Mike Peila submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on May 4, 2010. The protest period closed June 18, 2010, and no protest was filed.

On July 30, 2010, a Final Order and draft permit were issued approving the application pending submission of outstanding fees in the amount of \$400.

On September 2, 2010, the Department received payment of \$400.

Subsequently, the Department discovered that the Final Order and draft permit erroneously described the rate. The correct rate is 5.263 cubic feet per second (CFS), being 1.638 CFS for primary irrigation and 3.625 CFS for supplemental irrigation. The Department finds that the Final Order and draft permit require modification to correct the error.

Order

The July 30, 2010 Final Order issued for Application G-17138 is superseded by this instrument and is of no further force or effect.

Application G-17138 therefore is approved as modified above, and Permit G-16796 is issued as limited by the conditions contained therein.

DATED September 23 , 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. 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 503-986-0859.

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.