

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

Water Right Application Number G-18276	)	ORDER ON RECONSIDERATION
in the name of Justin R. Ferrell and	)	AFFIRMING FINAL ORDER
Jayna L. Ferrell	)	APPROVING APPLICATION G-18276

Summary: Application G-18276 is approved with Permit G-17791.

FINDINGS OF FACT

The findings of fact in the Final Order issued July 6, 2017 are incorporated herein with the following additions.

1. On July 6, 2017 the Final Order approving Application G-18276 and Permit G-17798 were issued.
2. Notice of the Final Order appeared in the Department's Public Notice dated July 11, 2017, on Page 8.
3. Pursuant to ORS 537.170(9), WaterWatch of Oregon, protestant, is entitled to be "notified" of the issuance of the Final Order.¹ The statute does not define the word "notify".
4. WaterWatch of Oregon is listed as an intended recipient of an electronic copy of the final order on the mailing list contained in the application file. There is not a record of an electronic copy of the final order being sent to WaterWatch of Oregon by e-mail.
5. On August 31, 2017, WaterWatch of Oregon, Inc. filed a timely Petition for Reconsideration of the Final Order and Permit approving Application G-18276. The Petition alleged, among other things, that the order is defective for failure to notify WaterWatch of the issuance of the order.
6. On September 25, 2017, the Department reconsidered the Final Order.
7. After review of the application file and the petition, the Department finds no changes to the Final Order and Permit are needed.

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.

¹ "Upon issuing a final order, the director shall notify the applicant and each person who submitted written comments or protests or otherwise requested notice of the final order and send a copy of the final order to any person who requested a copy and paid the fee required under ORS 536.050(1)(p)."

CONCLUSION OF LAW

1. The proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525, and in the Final Order issued July 6, 2017.

ORDER

The Final Order approving Application G-18276 and issuing Permit G-17791 is affirmed.

DATED November 17, 2017

A handwritten signature in black ink, appearing to read "Dwight French", is written over the printed name.

Dwight French, Water Rights Division Administrator
for Thomas M. Byler, Director

This document was prepared by Elisabeth Graham. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0808.

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

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