

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON**

In the Matter of Water Right Application) ORDER ON RECONSIDERATION
S-87644 in the name of J & C BAYNE,)
LLC)

Authority

Pursuant to OAR 137-004-0080(5), within 60 calendar days after the date of the order, the agency may, on its own initiative, reconsider the final order.


Findings of Fact

1. On June 15, 2018, the Department issued a final order denying Water Right Application S-87644 in accordance with Oregon Revised Statute (ORS) 537.260.
2. The Department has determined that a valid contract with the Bureau of Reclamation exists for the use of stored water and was executed on April 4, 2018.
3. The Department, on its own motion, elects to withdraw the June 15, 2018 order denying Application S-87644.

Now Therefore, it is Ordered:

The June 15, 2018 Final Order is withdrawn and is of no further force or effect.

Dated at Salem, Oregon on September 18th, 2018.


Dwight French, Water Right Services Division Administrator
for Thomas M. Byler, Director
Oregon Water Resources Department

APPEAL RIGHTS

Appeal to a circuit court: This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

Petition to the Department for Reconsideration of the Final Order: A person entitled to judicial review of this order may also file a petition for the Department's reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).