# Oregon Water Resources Department Water Right Services Division

Water Right Application S-88702 in the	)	
name of TIMOTHY D. VAN HORN	)	SUPERSEDING FINAL ORDER
	)	

**Summary:** Superseding order approving Application S-88702 and issuing Permit S-55259.

### Authority

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively.

### FINDINGS OF FACT

- 1. On June 5, 2019, Timothy D. Van Horn submitted an application to the Department for a water use permit pursuant to ORS 537.147.
- 2. On January 14, 2020, the Department issued a Final Order approving Application S-88702 and Permit G-55231. Subsequently the Department discovered the Water Use Measurement, Recording, and Reporting Condition in Permit S-55231 was incorrect. The permit shall be conditioned so that the permittee is required to keep a complete record of the volume of water diverted each month, and to submit a report to the Department annually, as indicated in the attached permit.

## **CONCLUSIONS OF LAW**

1. Application S-88702 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

### **ORDER**

This Final Order and Permit supersede the January 14, 2020 Final Order and Permit S-55231, which are of no further force or effect.

Application S-88702 is approved and Permit S-55259 is issued.

#### NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080 you may 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.

Application S-88702 Page 1 of 2 Superseding Final Order

DATED MAR 0 5 2020

Dwight French

Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

- If you have any questions about statements contained in this document, please contact Kim French at 503-986-0816.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900