

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

Water Right Application R-88729 in the name	)	ORDER ON RECONSIDERATION
of CARUCCI FAMILY IRREVOCABLE	)	MODIFYING FINAL ORDER
TRUST	)	APPROVING APPLICATION R-88729

Summary: The Final Order approving Application R-88729 is modified to include Angela Smithson as a co-permittee on the permit.

Authority

This order is issued pursuant to Oregon Administrative Rule (OAR) 137-004-0080.

FINDINGS OF FACT

The findings of fact in the December 17, 2019 Final Order are incorporated herein with the following modifications and additions.

1. On December 17, 2019, a Final Order approving Application R-88729 and Permit R-15421 was issued.
2. On January 27, 2020, the Department received a Petition for Reconsideration from Angela Smithson.
3. On February 13, 2020, the Department notified the Tenczas (Carucci Family Irrevocable Trust) that the order was being reconsidered and that either written authorization or a recorded easement permitting access to all of the land on which the reservoir is located was required.
4. During the period of reconsideration the parties agreed to become joint permit holders.
5. Based on a review of the application file, the petition and the agreement of the parties, the Department finds that certain changes to the Final Order are needed.
6. Finding of Fact 2 in the December 17, 2019 Final Order stated that the minimum application requirements were met. In light of the information provided in the petition, the application was missing written authorization from the other owner of the land on which the reservoir is located.
7. By agreement and consent of the parties, a new permit will be issued to Carucci Family Irrevocable Trust and Angela Smithson as joint permittees of the reservoir.

This is a final order in other than contested case. Any party affected by a final order in other than contested case issued by the Water Resources Commission or Water Resources Department may appeal pursuant to 536.075 and ORS 183.484. A person entitled to judicial review of this order may also petition the Director to reconsider the order pursuant to OAR 137-004-0080.

CONCLUSION OF LAW

The conclusions of law in the December 17, 2019 Final Order are incorporated herein.

ORDER

This Final Order and Permit supersede the December 17, 2019 Final Order and Permit R-15421, which are of no further force or effect.

Application R-88729 is approved and Permit R-15464 is issued.

DATED at Salem, Oregon on **MAR 09 2021**



Dwight French
Water Rights Services Administrator, for
Tom Byler, Director
Oregon Water Resources Department

This document was prepared by Patricia McCarty. If you have any questions about any of the statements contained in this document I can be reached 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.

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