



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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## MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Phillip C. Ward, Acting Director

**SUBJECT:** Agenda Item J, October 22, 2004  
Water Resources Commission Meeting

### **Request to Continue Tabling of Contested Case Hearing Exceptions, Application S-84222 in the Name of U.S. Fish and Wildlife Service**

#### **I. Issue Statement**

The Commission is asked to continue its tabling of contested case hearing exceptions on Application S-84222 in the name of U.S. Fish and Wildlife Service until its meeting in January 2005.

#### **II. Background/Discussion**

At its meeting on March 11, 2004, the Commission was asked to consider exceptions filed by Harney County and Water for Life in a contested case proceeding on water right application S-84222, in the name of U.S. Fish and Wildlife Service. (*See* Agenda Item D, March 11, 2004). After hearing extensive argument on the exceptions, the Commission unanimously voted to table the matter to no later than its October 2004 meeting pending additional settlement discussions and review of the record by a subcommittee of the Commission.

Since the March Commission meeting, Applicant U.S. Fish and Wildlife Service has developed settlement concepts for the parties to consider. Given the likelihood that on-going settlement discussions will resolve a number of issues raised in exceptions, staff request the Commission continue its tabling of this matter until its January 2005 meeting.

#### **III. Recommendation**

The Director recommends that the Commission continue tabling of contested case hearing exceptions on Application S-84222 until its meeting in January 2005.

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