

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-10103, Lake County)	ADDITIONAL POINT OF
)	APPROPRIATION

ORS 537.705 and ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

STAN ADAMS
P.O. BOX 806
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On February 27, 2006, Stan Adams filed a transfer application to add an additional point of appropriation to the Points of Appropriation authorized under Certificates 75733 and 75816. The Department assigned the application number T-10103.

2. The portion of the first right to be transferred is as follows:

Certificate: 75733 in the name of STAN ADAMS perfected under Permit G-7364

Use: IRRIGATION of 90.9 ACRES

Priority Date: FEBRUARY 9, 1977

Rate: 1.134 CUBIC FEET PER SECOND (CFS); BEING 0.378 CFS from WELL #1 and 0.756 CFS from WELL #2

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: WELLS #1 & #2, in the FORT ROCK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
27 S	16 E	WM	34	NE SW	30 FEET SOUTH & 1360 FEET EAST FROM W¼ CORNER OF SECTION 34
27 S	16 E	WM	34	SW SE	1230 FEET NORTH & 2000 FEET WEST FROM

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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.

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
					SE CORNER OF SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	34	NW SW	30.5
27 S	16 E	WM	34	SW SW	31.0
27 S	16 E	WM	34	SE SW	29.4
				Total	90.9

3. Application T-10103 proposes to add an additional point of appropriation to the authorized points of appropriation approximately ¼ mile South of Well #1 and ½ mile West of Well #2, located:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
27 S	16 E	WM	34	NE SW	500	1325 FEET NORTH & 1330 FEET EAST FROM SW CORNER OF SECTION 34

4. The second right to be transferred is as follows:

Certificate: 75816 in the name of STAN ADAMS perfected under Permit U-648

Use: IRRIGATION of 33.0 ACRES

Priority Date: JULY 28, 1954

Rate: 0.35 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: WELL #1 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
27 S	16 E	WM	34	NE SW	32 FEET SOUTH & 36 FEET EAST FROM NW CORNER OF THE NE ¼ SW ¼ OF SECTION 34

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	34	NE SW	31.4
27 S	16 E	WM	34	SE SW	1.6
				Total	33.0

5. Application T-10103 proposes to add an additional point of appropriation approximately ¼ mile South of Well #1, located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
27 S	16 E	WM	34	NE SW	1325 FEET NORTH & 1330 FEET EAST FROM SW CORNER OF SECTION 34

6. Notice of the application for transfer was published on March 14, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

7. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
9. The proposed change would not result in enlargement of the rights.
10. The proposed change would not result in injury to other existing rights.
11. On May 10, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10103 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on May 16, 2006, and in the Lake Count Examiner newspaper on May 25 and June 1 and 8, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Conclusions of Law

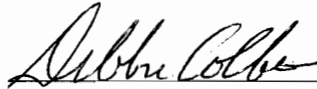
The proposed additional point of appropriation in T-10103 is consistent with the requirements of ORS 537.705 and ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The proposed additional point of appropriation in T-10103 is approved.
2. Water right certificates 75733 and 75816 are cancelled. A new certificate will be issued describing that portion of the right evidenced by Certificate 75733 not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 75733 and 75816 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriations.
7. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

4 When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 14th day of July 2006.



Phillip C. Ward, Director

PCW

Mailing date: JUL 21 2006