

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

In the Matter of Transfer Application)
T-9256, Lake County, Oregon)

FINAL ORDER

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

Michael W. and Linda A. Mattis (Mattis Ranch)
PO Box 87
Fort Rock OR 97735

Findings of Fact

1. Michael W. and Linda A. Mattis (Mattis Ranch) filed an application to transfer the point of appropriation and place of use under Certificates 41322 and 41330. The Department assigned the application number T-9256.
2. The portion of the first right to be transferred is as follows:

Certificate: 41322 in the name of G.R. Boatwright
Use: Irrigation
Priority Date: December 7, 1966
Quantity: 0.122 cfs
Acres: 13.1
Source: Well in the Paulina Marsh Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
26	S	14	E	W.M.	28	NE	NW	680' S & 30' W of N¼ corner of Section 28

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in an uncontested 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
26	S	14	E	W.M.	28	NE	NW	13.1

3. Application T-9256 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Acres
26	S	14	E	W.M.	28	NE	NW	2.7
26	S	14	E	W.M.	28	SE	NW	10.4

4. The portion of the second right to be transferred is:

Certificate: 41330 in the name of Andrew Bettencourt
Use: Irrigation
Priority Date: March 13, 1970
Quantity: 0.405 cfs
Acres: 32.37
Source: Well in the Paulina Marsh Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
26	S	14	E	W.M.	13	Center	SW¼	1320' N & 1320' E of SW corner of Section 13

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
26	S	14	E	W.M.	13	NE	SW	7.55
26	S	14	E	W.M.	13	NW	SW	8.00
26	S	14	E	W.M.	13	SW	SW	5.86
26	S	14	E	W.M.	13	SE	SW	10.96

5. Application T-9256 proposes to change the authorized point of appropriation for part of the right to:

Township		Range		Meridian	Sec	¼ ¼		Location
26	S	14	E	W.M.	28	NE	NW	680' S & 30' W of N¼ corner of Section 28

6. Application T-9256 proposes to change the place of use of this part of the right to:

Township		Range		Meridian	Sec	¼ ¼		Acres
26	S	14	E	W.M.	13	SE	NW	20.9

7. Application T-9256 proposes to change the authorized point of appropriation for the other part of this right to:

Township		Range		Meridian	Sec	¼ ¼		Location
26	S	14	E	W.M.	31	SE	NW	2600' S & 2900' W of NE corner of Section 31

8. Application T-9256 proposes to change the place of use of the other part of the right to:

Township		Range		Meridian	Sec	¼ ¼		Acres
26	S	14	E	W.M.	30	SW	SW	8.96
26	S	14	E	W.M.	30	SE	SW	2.51

9. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
10. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

The changes in point of appropriation and place of use proposed in application T-9256 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

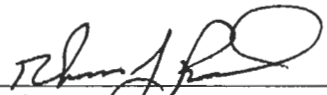
Order

It is hereby ORDERED:

1. Transfer T-9256 is hereby approved, subject to the following conditions.
2. Certificates 41322 and 41330 are cancelled. Certificates 80644 and 80645 shall be issued to describe the remaining rights.
3. The right to 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 41322 and 41330 and any related decree.

4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed changes shall be completed on or before October 1, 2005.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
7. The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water that was lawfully available at the original point of appropriation.
8. 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.

Dated at Salem, Oregon this 26th day of May, 2004.

For 

Paul R. Cleary
Director