

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

CANCELLATION OF TRANSFER 6429

*Rescinded by  
V52 P299*

Transfer 6429, in the name of Earl Saxton, was approved by order of the Water Resources Director, entered March 19, 1991, at Special Order Volume 45, pages 153 and 154. The order approved a change in point of appropriation of 0.16 cubic foot of water from a Well in the McKay Creek Basin, with a priority date of November 18, 1974, for Irrigation of 9.5 acres and Supplemental Irrigation of 3.5 acres, if available at the original well; Lot 16 (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section 1, T 1 S, R 32 E, WM; Jacob's Well - 440 feet North and 1200 feet West from the SE corner of Section 1.

The amount of water use for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
LOT 16 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ )	9.5 ACRES	3.5 ACRES
SECTION 1		
TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.		

The change was to have been completed by October 1, 1992.

OAR 690-14-190 provides that the claim of beneficial use shall be submitted within one year after the beneficial use date allowed in the transfer. Failure to comply shall cause the Director to initiate cancellation proceedings.

Notice was sent to the applicant advising that the change was to have been completed by October 1, 1992, and advising that a claim of beneficial use must be submitted prior to October 1, 1993. A second notice, advising that the Claim of Beneficial Use must be submitted prior to October 1, 1993, was sent by certified mail, return receipt requested.

OAR 690-15-090(3) provides that "non-completion of a change in point of diversion or point of appropriation does not forfeit the water right. However, upon expiration of the time allowed for completion, the water right shall again become subject to forfeiture pursuant to the provisions of ORS 540.610. A new application is required to change the point of diversion or point of appropriation to a location not authorized by the order."

The claim of beneficial use not submitted within the prescribed one year period. The transfer is cancelled. The Water Right itself is not cancelled. The water right was again subject to forfeiture on October 1, 1992.

The water right described by this order no longer has an authorized point of appropriation. To obtain an authorized point of appropriation, the landowner will need to make a new application for a change in point of appropriation in accordance with the provisions of the Oregon Administrative Rules, Chapter 690, Division 15.

The water right described by this order may not be used until a transfer application for a new point of appropriation is approved. **Failure to obtain an authorize point of appropriation by October 1, 1997, shall cause the Water Resources Director to initiate water right cancellation proceedings in accordance with ORS 540.610.** The proposed cancellation will be based on the water right holder's failure to legally use water for five successive years.

WITNESS the signature of the Water Resources Director,  
affixed March 21, 1994.



Martha G. Pagel