

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

In the Matter of Transfer Application            )    FINAL ORDER  
T-6882, Baker County, Oregon                 )    APPROVING A CHANGE IN  
  )    CHARACTER OF USE AND PLACE OF  
  )    USE

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**

James P. Ingram for the L.M. & M.S. Ingram Trust  
46770 Highway 30  
Haines, Oregon 97833

**Findings of Fact**

1. On 1-19-1993, James P. Ingram for the L.M. & M.S. Ingram Trust, filed a transfer application to change the character of use and place of use under Certificate 13793. The Department assigned the application number T-6882.

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

**Certificate:** 13793 in the name of Edward W. Coles (perfected under Permit S-13881)

**Use:** Stock use

**Priority Date:** June 9, 1939

**Rate:** 0.27 cubic foot per second

**Source:** Unnamed springs, tributary to the Powder River

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
7 S	39 E	WM	29	NW SE

This is a final order in other than 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 137-004-080 and OAR 690-01-005 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.

**Authorized Place of Use:**

Stock				
Twp	Rng	Mer	Sec	Q-Q
7 S	39 E	WM	28	NE NW
7 S	39 E	WM	28	NW NW
7 S	39 E	WM	28	SW NW
7 S	39 E	WM	28	SE NW
7 S	39 E	WM	29	NE NE
7 S	39 E	WM	29	SW NE
7 S	39 E	WM	29	SE NE

3. Application T-6882 proposes to change the character of use to supplemental irrigation.
4. Application T-6882 also proposes to change the place of use of the right to:

Supplemental Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	28	NW NW	6.00
7 S	39 E	WM	28	SW NW	0.70
7 S	39 E	WM	29	SE NE	4.80

5. Notices of the application for transfer were published pursuant to ORS 540.520 and OAR 690-380-4000. No comments or protests were filed in response to the notices.
6. 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.
7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
8. The existing supplemental irrigation place of use of the portion of the right not affected by this transfer will not be overlapped with the proposed place of use.
9. The Powder River decree allows a rate of diversion of one-twentieth of a cfs per acre for sources of water other than regularly flowing streams.
10. The season of use of irrigation water is March 1 to October 31 of each year in the Powder River Basin.
11. The proposed changes would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights.

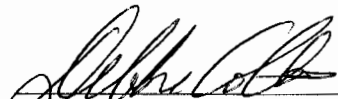
**Conclusions of Law**

The changes in character of use and place of use proposed in application T-6882 are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The changes in character of use and place of use proposed in application T-6882 are approved.
2. Water Right Certificate 13793 is cancelled. A new certificate will be issued to confirm that portion of the right not involved in this transfer.
3. 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.
4. The rate of diversion for supplemental irrigation under this transfer application shall not exceed of 0.27 cubic foot per second and shall be further limited to a maximum rate of diversion of one-twentieth of a cfs per acre during the time period of March 1 to October 31 of each year.
5. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 18<sup>th</sup> day of July 2006.

  
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Phillip C. Ward, Director

Mailing date: JUL 21 2006