

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

In the Matter of Transfer Application )  
T-8873, Lake County ) **FINAL ORDER**  
**APPROVING A CHANGE IN POINT OF**  
**APPROPRIATION AND PLACE OF USE**

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**

ZANE D. CHURCH  
PO BOX 595  
CHRISTMAS VALLEY OR 97641

**Findings of Fact**

1. Zane D. Church filed an application to transfer the point of appropriation and place of use under Certificate 67901. The Department assigned the application number T-8873.
2. The right to be transferred is as follows:  
**Certificate:** 67901 in the name of ZANE D CHURCH (perfected under Permit G-7170)  
**Use:** IRRIGATION of 30.1 ACRES  
**Priority Date:** FEBRUARY 11, 1977  
**Rate:** 0.38 CUBIC FEET PER SECOND  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year  
**Source:** Well in the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	16 E	WM	16	NW NE	1290 FEET SOUTH & 1330 FEET WEST FROM NE CORNER, SECTION 16

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	16	NE NE	30.1

**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.

- Application T-8873 proposes to move the authorized point of appropriation approximately 4 miles to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
27 S	17 E	WM	31	SW SW	1398 FEET SOUTH AND 1277 FEET EAST OF W 1/4, SECTION 31

- Application T-8873 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	31	NW SW	30.1

- 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.
- 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- The proposed change would not result in enlargement of the right.
- 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-8873 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

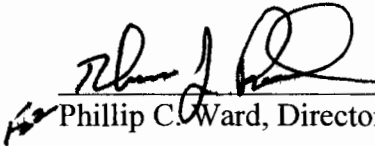
### Now, therefore, it is ORDERED:

The changes in point of appropriation and place of use proposed in T-8873 are approved; subsequent use of water shall be subject to the following conditions:

- 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 Certificate 67901 and any related decree.
- Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- The proposed change shall be completed on or before October 1, 2006.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available for the transferred rights at the original point of appropriation.
6. The former place of use of the transferred water shall no longer receive water as part of these rights.
7. Certificate 67901 is cancelled; Certificate 80753 shall be issued to describe the remaining rights not affected by T-8873.
8. When required by the Department, 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 14<sup>th</sup> day of April 2005.

  
Phillip C. Ward, Director

Mailing date: APR 20 2005