

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

In the Matter of Transfer Application) **FINAL ORDER REVERTING A**
T-5259, Douglas County) **POINT OF DIVERSION**

Applicant

Robert and Delores Smith
1707 Del Rio Rd.
Roseburg, OR 97471

Findings of Fact

1. On May 2, 1983, G. H. Brey filed an application to change the point of diversion under a portion of Certificate 51279. The Department assigned the application number T-5259.
2. On July 20, 1983, the Water Resources Department issued an order approving T-5259. This order was recorded in the Special Order Volume 37, Pages 390 - 391.
3. On September 30, 2008, the Water Resources Department assigned the application from G. H. Brey to Robert L. and Dolores M. Smith.
4. A letter dated September 25, 2008, Robert and Dolores Smith notified the Department that the change authorized through approval of Transfer Application T-5259 would not be completed and requested that the authorized point of diversion revert back to the original point of diversion described in the following table:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	14	SW SE	McKinney DLC 45	2550 FEET SOUTH AND 2620 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

5. Pursuant to OAR 690-380-6010, if the change in point of diversion is not completed, the point of diversion shall revert to the last authorized point of diversion prior to the transfer.

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

Now, therefore, it is ORDERED:

The point of diversion for a portion of the right affected by Transfer Application T-5259 is reverted to the last authorized point of diversion prior to the transfer. A superseding certificate for the portion of the right affected by the transfer shall be issued.

Dated at Salem, Oregon this 23rd day of January, 2009.

William E. Frober
for Phillip C. Ward, Director

Mailing date: FEB 05 2009