

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

In the Matter of Transfer Application)
T-8925, Lake County)

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

Stanley & Teresa Rolfness
PO Box 807
Christmas Valley OR 97641

Agent

Glender's Hydrotech Services
93921 Pike Lane
Lakeview OR 97630

Findings of Fact

1. Stanley & Teresa Rolfness filed an application to transfer the point of appropriation and place of use under Certificates 75636, 77740, and Permit G-10925 as modified by Special Order Volume 52, page 821. The Department assigned the application number T-8925.
2. On December 10, 2002, the Department found Proof to the Satisfaction of the Director of Transfer 8021, thus making the inchoate rights therein related to Permit G-10925 subject to transfer.
3. The portion of the first right to be transferred is as follows:

Certificate: 75636 in the name of Stan and Teresa Rolfness
Use: Irrigation
Priority Date: December 16, 1980
Quantity: 0.2 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3 acre-feet per acre
Acres: 15.8
Source: Well in the Fort Rock Basin

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 Point of Appropriation:

Township		Range		Meridian	Sec	¼	¼	Location
26	S	17	E	W.M.	25	SE	NW	1350 feet S & 1350 feet E of the NW corner, Section 25

Authorized Place of Use:

Township	Range	Meridian	Sec	¼	¼	Acres
26	S	17	E	W.M.	25	SW SW 15.8

4. Application T-8925 proposes to move the authorized point of appropriation approximately 6 miles east to:

Township		Range		Meridian	Sec	¼	¼	Location
26	S	18	E	W.M.	14	SW	NW	1340 feet S & 1341 feet W of the N¼ corner, Section 14

5. Application T-8925 proposes to change the place of use of the right to:

Township	Range	Meridian	Sec	¼	¼	Acres
26	S	18	E	W.M.	14	SE NW 15.8

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

Certificate: 77740 in the name of Golden Rule Farms
Use: Irrigation
Priority Date: July 2, 1980
Quantity: 1.25 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3 acre-feet per acre
Acres: 100
Source: Well in the Fort Rock Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼	¼	Location
26	S	18	E	W.M.	22	NE	NW	1320 feet S & 1280 feet W of the N¼ corner, Section 22

Authorized Place of Use:

Township	Range	Meridian	Sec	¼	¼	Acres
26	S	18	E	W.M.	22	NE NW 18.6
26	S	18	E	W.M.	22	NW NW 18.6
26	S	18	E	W.M.	22	SW NW 31.4
26	S	18	E	W.M.	22	SE NW 31.4

7. Application T-8925 proposes to move the authorized point of appropriation approximately 1 mile northeast to:

Township		Range		Meridian	Sec	¼	¼	Location
26	S	18	E	W.M.	14	SW	NW	1340 feet S & 1341 feet W of the N¼ corner, Section 14

8. Application T-8925 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼	¼	Acres
26	S	18	E	W.M.	14	NE	NW	31.2
26	S	18	E	W.M.	14	NW	NW	31.2
26	S	18	E	W.M.	14	SW	NW	31.2
26	S	18	E	W.M.	14	SE	NW	6.4

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

Certificate: Proof to the Satisfaction of the Director, T-8021 (Sp. Ord. v. 52, Page 821)
Use: Irrigation
Priority Date: April 4, 1989
Quantity: 0.11 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3 acre-feet per acre
Acres: 9
Source: Well in the Fort Rock Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼	¼	Location
26	S	17	E	W.M.	25	NW	NW	1320 feet S & 1320 feet E of the NW corner, Section 25

Authorized Place of Use:

Township		Range		Meridian	Sec	¼	¼	Acres
26	S	17	E	W.M.	24	SW	SW	9.0

10. Application T-8925 proposes to move the authorized point of appropriation approximately six miles east to:

Township		Range		Meridian	Sec	¼	¼	Location
26	S	18	E	W.M.	14	SW	NW	1340 feet S & 1341 feet W of the N¼ corner, Section 14

11. Application T-8925 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼	¼	Acres
26	S	18	E	W.M.	14	SE	NW	9.0

12. 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.
13. 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.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
15. The proposed change would not result in enlargement of the right.
16. 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-8925 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

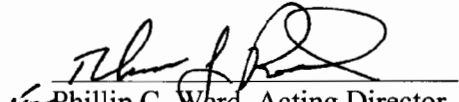
Now, therefore, it is ORDERED:

The changes proposed in T-8925 are approved; subsequent use of water shall be subject to the following conditions:

1. 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 75636, 77740, Permit G-10925 as modified by Special Order Volume 52, page 821, and any related decrees.
2. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
3. The proposed change shall be completed on or before October 1, 2005.
4. 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.
5. 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 lawfully available at the original point of appropriation.
6. 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.

7. Certificates 75636 and 77740 are cancelled. The order approving T-8021 recorded in Special Order Volume 52, page 821, is superseded by this Order. Certificates 80777, 80778, and 80779 shall be issued to describe the remaining rights NOT affected by this transfer.
8. When satisfactory proof of the completed change is received, a new certificate confirming the transferred water rights shall be issued.

Dated at Salem, Oregon this 11th day of August, 2004.


Phillip C. Ward, Acting Director
Water Resources Department

Mailing date: AUG 31 2004