

**BEFORE THE WATER RESOURCES DIRECTOR OF OREGON**

**LAKE COUNTY**

**ORDER REJECTING TEMPORARY TRANSFER APPLICATION 9058**

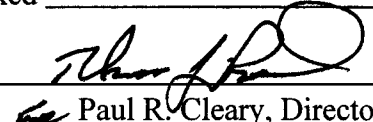
Temporary Transfer Application 9058, in the name of Harold A. Brown, was filed March 8, 2002. The applicant requested a temporary change in the place of use and additional point of appropriation for lands described by Permits G-9974 and G-10326.

ORS 540.523 allows any person who holds a "water use subject to transfer" to request to temporarily change the place of use. A "water use subject to transfer" is a water right established by 1) an adjudication under ORS chapter 539 as evidenced by court decree; 2) a water right certificate; 3) a water use permit for which a request for issuance of a water right certificate under ORS 537.250 has been received and approved by the Commission under ORS 537.250; or 4) a transfer application for which an order approving the change has been issued under ORS 540.530 and for which proper proof of completion of the change has been filed with the Commission.

Your application proposes the temporary change in place of use and additional point of appropriation of water for lands described by Permits G-9974 and G-10326. The final proof completed on Permits G-9974 and G-10326 does not define the extent the use of water was perfected within the terms of the permits. And because of this, proof to the satisfaction of the Director could not be made and therefore, the permit is not a "water use subject to transfer". The temporary transfer application should be rejected.

Temporary Transfer Application 9058, in the name of Harold A. Brown, is REJECTED and of no further force or effect. Any unearned fees will be refunded.

WITNESS the signature of the Water Resources Director, affixed MAR 17 2003

  
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Paul R. Cleary, Director

**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.**