

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

In the Matter of Transfer Application            )  
T-9522, Deschutes County, Oregon            )

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**

Everett A. & Lorri L. Melton  
69172 Barclay Court  
Sisters OR 97759

**Findings of Fact**

1. Everett A. & Lorri L. Melton filed an application to change the a point of appropriation and place of use under Certificate 72242. The Department assigned the application number T-9522.
2. Transfer 9085 cancelled Certificate 72242, which was superseded by Certificate 79636.
3. The portion of the right to be transferred is as follows:

**Certificate:** 79636 issued in the name of Everett A. and Lorri L. Melton

**Use:** Irrigation

**Priority Date:** December 17, 1990

**Quantity:** 0.028 cfs

**Acres:** 2.25

**Rate & Duty:** one-eightieth of one cfs per acre and a maximum of 2.5 acre-feet per acre

**Source:** Well in the Squaw Creek 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                                       |
|----------|---|-------|---|----------|-----|-------|--|
| 15       | S | 10    | E | W.M.     | 3   | SW NW | 1425' S & 238' E of the NW corner of Section 3 |

**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Acres |
|----------|---|-------|---|----------|-----|-------|-------|
| 15       | S | 10    | E | W.M.     | 3   | NE NW | 0.26  |
| 15       | S | 10    | E | W.M.     | 3   | NW NW | 1.77  |
| 15       | S | 10    | E | W.M.     | 3   | SW NW | 0.22  |

4. Application T-9522 proposes to move the authorized point of appropriation for the right approximately one mile from the existing point of appropriation to:

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Location                                      |
|----------|---|-------|---|----------|-----|-------|---|
| 15       | S | 10    | E | W.M.     | 4   | SW NE | 103' S & 61' E of NE 1/16 corner of Section 3 |

5. Application T-9522 proposes to change the place of use of the right to:

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Acres |
|----------|---|-------|---|----------|-----|-------|-------|
| 15       | S | 10    | E | W.M.     | 4   | SW NE | 2.25  |

6. 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.
7. 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.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
9. The proposed change would not result in enlargement of the right.
10. 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-9522 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

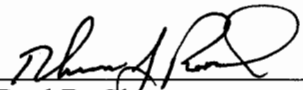
**Order**

It is hereby ORDERED:

The changes proposed in T-9522 are approved, 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 Certificate 79636 and any related decree.
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. Certificate 79636 is cancelled; Certificate 80627 shall be issued to confirm the remaining rights.
8. The receiving landowner responsible for correspondence and completion of all changes is:  
  
Judith G. Patterson  
PO Box 834  
Sisters OR 97759
9. 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 3<sup>rd</sup> day of May, 2004.

  
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For Paul R. Cleary  
Director