

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

IN THE MATTER OF A LOSS OF RIGHT DUE TO)
FAILURE TO APPLY WATER TO BENEFICIAL USE)
UNDER THE TERMS OF AN ORDER APPROVING) FINAL ORDER
T-7984, LAKE COUNTY)

Authority

Oregon Administrative Rule 690-380-6010(2) provides that any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for change in use or place of use, or within any extension of time allowed for completion, is lost.

Applicant

CHARLES H. KRISOR
HC 60 BOX 2420
LAKEVIEW, OR 97630

Current Landowner

KETCHAM LIVING TRUST
91119 DOG LAKE LANE
LAKEVIEW, OR 97630

Findings of Fact

1. On April 22, 1998, CHARLES H. KRISOR filed an application to change the place of use under Certificates 51012, 62677, and 76813. The Department assigned the application number T-7984.
2. On December 19, 2001, Transfer Application T-7984 was approved and the order is recorded in Special Order Volume 55, Page 1349. Certificates 51012, 62677, and 76813 were cancelled and the rights are considered inchoate.
3. The final order set a date of OCTOBER 1, 2003 for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2004.
4. On October 13, 2003, the Department approved an extension of time for transfer application T-7984 to October 1, 2004.

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 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.

5. On November 30, 2020, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on a Transfer is not received. The Department requested a response by December 31, 2020. The certified mailing was returned to sender, unable to forward.
6. On December 21, 2020, the Department contacted the current landowner, verified as Ketcham Living Trust by the Lake County Assessor's office, by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on a Transfer is not received. The Department requested a response by January 25, 2021.
7. On January 4, 2021, the Department received a signed certified mailing card.
8. As of January 26, 2021, the Department had not received any further response to the incomplete transfer.
9. As of April 19, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department.
10. A description of the inchoate rights that are lost are as follows:

Certificate: 51012 in the name of PORTELLO RANCH COMPANY, INC. (perfected under Permit G-6956)

Use: IRRIGATION of 0.66 ACRE

Priority Date: AUGUST 9, 1976

Rate: 0.01 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount served under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: JOHNSON WELL 1, a tributary of ANTELOPE CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	18 E	WM	1	NW SE	2630 FEET NORTH AND 1820 FEET WEST FROM THE SE CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	1	SW SE	0.66

Certificate: 62677 in the name of PORTELLO RANCH COMPANY, INC. (perfected under Permit G-8101)

Use: IRRIGATION of 41.10 ACRES

Priority Date: APRIL 17, 1978

Rate: 0.51 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount served under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the DREWS CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	18 E	WM	1	NW SE	40 FEET SOUTH AND 650 FEET EAST FROM THE C1/4 CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	1	NE SW	6.72
40 S	18 E	WM	1	NW SW	1.16
40 S	18 E	WM	1	SW SW	19.65
40 S	18 E	WM	1	SE SW	7.97
40 S	18 E	WM	12	NE NW	0.50
40 S	18 E	WM	12	NW NW	5.10
Total					41.10

Certificate: 76813 in the name of NW FARM CREDIT SVCS, RICHARD AND LUCY COLLMAN, AND CHARLES KRISOR (perfected under Permit G-11110)

Use: SUPPLEMENTAL IRRIGATION of 40.0 ACRES

Priority Date: APRIL 11, 1988

Rate: 0.50 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount served under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the QUARTZ CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	18 E	WM	1	NW SE	WELL NO. 1 – 2631.1 FEET NORTH AND 2146.49 FEET WEST FROM THE SE CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	18 E	WM	1	SW SE	6.0
40 S	18 E	WM	1	SE SE	34.0
Total					40.0

Conclusions of Law

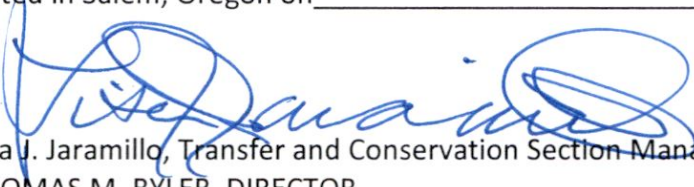
The loss of right described above is consistent with the requirements of OAR 690-380-6010(2).

Now, therefore, it is ORDERED:

1. The inchoate rights under Transfer Application T-7984 are lost, and are of no further force or effect.

JUL 14 2021

Dated in Salem, Oregon on _____



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **JUL 15 2021**