BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-9588, Approving a Change in Place of Use,)	
Lake County		

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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

Daniel H. and Nina J. Micke 87754 Hwy 140 W Lakeview OR 97630

Agent

Dennis R. Glender Glender's Hydrotech Services 93921 Pike Lane Lakeview OR 97630

Findings of Fact

- 1. Daniel H. and Nina J. Micke filed an application to change the place of use under Certificate 5182. The Department assigned the application number T-9588.
- 2. The portion of the right to be transferred is as follows:

Certificate: 5182 in the name of D. O. TRACY (confirmed by Goose Lake decree)

Use: IRRIGATION of 8.25 ACRES
Priority Date: DECEMBER 31, 1884
Rate: 0.21 CUBIC FEET PER SECOND

Limit/Duty: three-fourths of an acre-foot per acre during any 30-day period prior to June 1st,

and one-half of one acre-foot per acre during any period after June 1st of each year; and 2.5 acre-feet per acre during any irrigation season; to be diverted at a rate not to exceed ONE-FORTIETH of one cubic foot per second per acre.

Source: LA SERE (La Sieur) CREEK, tributary to DREWS CREEK

Authorized Point of Diversion:

	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates			
Ì	39 S	18 E	WM	7	SE SW	554 FT NORTH AND 1679 FT EAST OF SW CORNER, SEC 7			
	39 S	18 E	WM	7	SE SW	429 FT NORTH AND 2544 FT EAST OF SW CORNER, SEC 7			

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 Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	18 E	WM	18	NW NW	1.05
39 S	18 E	WM	18	NWSW	7.20

3. Application T-9588 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	18 E	WM	7	SW SW	7.85
39 S	18 E	WM	7	SE SW	0.40

- 4. 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.
- 5. 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.
- 6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed changes in place of use in application T-9588 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

The proposed change in place of use in application T-9588 is hereby approved; the change and subsequent use of water shall be subject to the following conditions:

- 1. Certificate 5182 is cancelled. Certificate 80734 shall be issued to describe the remaining rights.
- 2. The right to the 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 5182 and any related decree.
- 3. The proposed change shall be completed on or before October 1, 2006.
- 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, 2007.

- 5. When required by the Department, the water user shall install and maintain a headgate, an inline flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- 6. The former place of use of the transferred water shall no longer be irrigated as part of this water right.

Dated at Salem, Oregon this _/ ___ day of December, 2004.

Phillip C. Ward, Director

Mailing date: DEC 0 6 2004