

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

In the Matter of Transfer Application) FINAL ORDER APPROVING CHANGE
T-9613, Baker County, Oregon) IN PLACE OF USE
)

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

James Blatchford
44857 Brown Road
Baker City, Oregon 97814

Findings of Fact

1. James Blatchford filed an application to transfer the place of use under Certificate 66608. The Department assigned the application number T-9613.

2. The right to be transferred is as follows:

Certificate: 66608 in the name of Fred Lamprecht
Use: IRRIGATION
Priority Date: 1880 FOR 13.5 Acres, 1888 for 8.5 Acres, & 1902 for 17.1 Acres
Quantity: 0.98 CFS
Rate/Duty: 1/40 cfs per acre
Acres: 39.1
Source: PINE CREEK, tributary to the SNAKE RIVER

Authorized Point of Diversion:

| Township | | Range | | Meridian | Sec | ¼ | ¼ | Name |
|----------|---|-------|---|----------|-----|----|----|----------------|
| 8 | S | 39 | E | W.M. | 25 | SE | NW | Cartmill Ditch |

This is a final order in other than 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 either 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.

Authorized Place of Use:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Acres |
|----------|---|-------|---|----------|-----|-----|----|-------|
| 8 | S | 39 | E | W.M. | 30 | SW | NW | 12.6 |
| 8 | S | 39 | E | W.M. | 30 | SE | NW | 26.5 |

3. Application T-9613 proposes to change the place of use of the right to:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | Acres |
|----------|---|-------|---|----------|-----|-----|----|------|-------------|
| 8 | S | 39 | E | W.M. | 16 | SW | SW | 4501 | 13.5 (1880) |
| 8 | S | 39 | E | W.M. | 16 | SW | SW | 4501 | 8.5 (1888) |
| 8 | S | 39 | E | W.M. | 16 | SW | SW | 4501 | 17.1 (1902) |

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.
9. The proposed place of use has an existing water right described in Certificate 72623. The right to use water is for Irrigation use for 0.62 CFS from Rock Creek and Kilmerque Creek. The priority date is December 4, 1899. On April 4, 2004, the applicant requested to diminish this right to Supplemental Irrigation upon approval of the transfer.

Authorized Place of use:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Acres |
|----------|---|-------|---|----------|-----|-----|----|-------|
| 8 | S | 39 | E | W.M. | 16 | SW | SW | 39.1 |

CANCELLATION OF WATER RIGHT

10. Affidavits were received from Carl, Barbara Stiff, Joseph Rudi and Michael Nelson, owners of certain land and the water rights appurtenant to it. A portion of Certificate 66608 and 68705 has been abandoned and is requested to be canceled.
11. The portion of the first right to be cancelled is as follows:
Certificate: 66608 in the name of Fred Lamprecht

Use: IRRIGATION
Priority Date: 1902
Quantity: 0.07 CFS
Rate/Duty: 1/40 cfs per acre
Acres: 2.9
Source: PINE CREEK, tributary to the SNAKE RIVER

Authorized Point of Diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Name |
|----------|---|-------|---|----------|-----|-----|----|----------------|
| 8 | S | 39 | E | W.M. | 25 | SE | NW | Cartmill Ditch |

Authorized Place of Use:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Acres |
|----------|---|-------|---|----------|-----|-----|----|-------|
| 8 | S | 39 | E | W.M. | 30 | SW | NW | 2.9 |

12. The portion of the second right to be cancelled is as follows:

Certificate: 68705 in the name of Elvine E. Carter
Use: Supplemental Irrigation
Priority Date: May 27, 1976
Rate/Duty: 1/80 cfs per acre, 3.0 acre-feet per acre during the irrigation season.
Acres: 42.0 acres of supplemental irrigation and 5.9 acres of supplemental Irrigation
Source: Carter Sump , tributary to the Pine Creek Baker Valley Basin

Authorized Point of Diversion:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Lot | Location |
|----------|---|-------|---|----------|-----|-----|----|-----|-----------------------------------|
| 8 | S | 39 | E | W.M. | 30 | SE | NW | 2 | 380°N & 270°E FROM W¼ COR, SEC 30 |

Authorized Place of Use:

| Township | | Range | | Meridian | Sec | ¼ ¼ | | Acres | Use |
|----------|---|-------|---|----------|-----|-----|----|-------|---------|
| 8 | S | 39 | E | W.M. | 30 | SW | NW | 15.5 | Supp Ir |
| 8 | S | 39 | E | W.M. | 30 | SE | NW | 26.5 | Supp Ir |
| 8 | S | 39 | E | W.M. | 30 | SW | NW | 2.3 | Irr |
| 8 | S | 39 | E | W.M. | 30 | SE | NW | 3.6 | Irr |

13. A portion of Certificate 68705 not modified by this transfer is proposed for transfer under application T-9651.

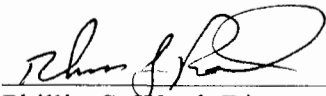
Conclusions of Law

The proposed changes in place of use in application T-9613 appear are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the portion of the right voluntarily abandoned shall be cancelled pursuant to ORS 540.621.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9613 is approved.
2. Water right certificates 66608, 68705 and 72623 are cancelled. A new certificate superceding certificate 72623 shall be issued to confirm the partial diminution of the right. A new certificate shall be issued describing the portion of Certificate 68705 not affected by this transfer and transfer T-9651
3. 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 Certificates 66608, 68705 and 72623 and any related decree.
4. Lands from which the water right has been moved shall not receive water under this right
5. The proposed change shall be completed on or before October 1, 2006.
6. By October 1, 2007 the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).
7. The existing water right described in Certificate 72623 shall be diminished to Supplemental Irrigation.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 24th day of FEBRUARY, 2005.



For Phillip C. Ward, Director

Mailing date: MAR 04 2005