

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

In the Matter of Transfer Application            )    FINAL ORDER APPROVING  
T-10002 and Temporary Transfer T-9497,        )    CHANGES IN PLACE OF USE AND  
Lake County    )    POINTS OF APPROPRIATION UNDER  
  )    T-10002 AND TERMINATING  
  )    TEMPORARY TRANSFER T-9497

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**

RON LA FRANCHI  
580 N CENTRAL  
COQUILLE OR 97423

**Findings of Fact**

1. Ron La Franchi filed an application to transfer the points of appropriation and place of use under Certificates 46977 and 46980. The Department assigned the application number T-10002.

2. The first right to be transferred is as follows:

**Certificate:** 46977 in the name of JACK E. CAMPBELL (perfected under Permit G-5762)  
**Use:** IRRIGATION of 158.0 ACRES  
**Priority Date:** NOVEMBER 30, 1973  
**Rate:** 1.98 CUBIC FEET PER SECOND  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year  
**Source:** CAMPBELL WELL #1, TRIBUTARY TO CHRISTMAS LAKE

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	14 E	WM	16	NW SW	2660 FEET SOUTH & 1320 FEET EAST FROM THE NW CORNER OF SECTION 16

**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 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:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	14 E	WM	16	SW NW	39.0
25 S	14 E	WM	16	SE NW	40.0
25 S	14 E	WM	16	NE SW	40.0
25 S	14 E	WM	16	NW SW	39.0

3. Application T- 10002 proposes to move the authorized point of appropriation to three wells approximately 11.5 miles from the existing point of appropriation in the CHRISTMAS LAKE basin:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	15 E	WM	21	NE SE	1620 FEET NORTH AND 1110 FEET WEST FROM THE SE CORNER OF SECTION 21
26 S	15 E	WM	24	-- NW	WELL #8—1320 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 24
26 S	15 E	WM	24	NE SW	WELL #9—1390 FEET NORTH AND 1367 FEET EAST FROM THE SW CORNER OF SECTION 24

4. Application T-10002 proposes to change the place of use of the right to:

Township	Range	Meridian	Sec	¼ ¼	Acres
26	S	15	E	W.M.	21 NW SE 20.8
26	S	15	E	W.M.	21 SW SE 19.8
26	S	15	E	W.M	24 NW NW 18.2
26	S	15	E	W.M	24 SW NW 11.3
26	S	15	E	W.M	24 NE SW 30.5
26	S	15	E	W.M	24 SW SW 26.9
26	S	15	E	W.M	24 SE SW 30.5

5. The second right to be transferred is as follows:

**Certificate:** 46980 in the name of JACK E. CAMPBELL (perfected under Permit G-6812)

**Use:** IRRIGATION of 76.6 ACRES

**Priority Date:** MAY 6, 1976

**Rate:** 0.96 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** CAMPBELL WELL #1, TRIBUTARY TO CHRISTMAS LAKE

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	14 E	WM	16	NW SW	2660 FEET SOUTH & 1320 FEET EAST FROM THE NW CORNER OF SECTION 16

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	14 E	WM	16	NE NW	40.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	14 E	WM	16	NW NW	36.6

6. Application T10002 proposes to move the authorized point of appropriation to two wells approximately 9.6 miles from the existing point of appropriation in the CHRISTMAS LAKE basin:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	15 E	WM	21	NE SE	1620 FEET NORTH AND 1110 FEET WEST FROM THE SE CORNER OF SECTION 21
25 S	14 E	WM	16	NW NW	1310 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 16

7. Application T- 10002 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
25	S	14	E	W.M.	16	NW NW	34.6
26	S	15	E	W.M.	21	NE SE	31.4
26	S	15	E	W.M.	21	NW SE	10.6

8. 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.
9. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. Temporary transfer 9497 exists for the above rights and reverts to the authorized place of use and point of appropriation at the end of the 2007 irrigation season unless terminated prior to that date.

### Conclusions of Law


The changes in place of use and points of appropriation proposed in application T-10002 appear to be consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The changes proposed in T-10002 are approved.
2. Water right certificates 46980 and 46977 are cancelled.

3. 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 Certificates 46977 and 46980 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
7. The former place of use of the transferred water shall no longer receive water as part of these rights.
8. Prior to diverting water at the new points of appropriation, the water user shall install and maintain in-line flow meters or other suitable devices for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. Temporary transfer 9497 shall be terminated upon the issuance of this order.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 19<sup>th</sup> day of April 2006.

  
Phillip C. Ward, Director

Mailing Date APR 25 2006