

**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-8428, COOS 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 a change in use or place of use, or within any extension of time allowed for completion, is lost.

Applicant

BRIDGE WATER DISTRICT
51554 OLD BIG CREEK RD
MYRTLE POINT, OR 97458

Findings of Fact

1. On January 20, 2000, BRIDGE WATER DISTRICT filed an application to change the place of use and character of use under Certificate 7561. The Department assigned the application number T-8428.
2. On October 16, 2001, Transfer Application T-8428 was approved and the order is recorded in Special Order Volume 55, Page 1158. Certificate 7561 was cancelled, and the right is considered inchoate.
3. The final order set a date of OCTOBER 1, 2002, for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2003.
4. On September 3, 2021, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the right involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on Transfer T-8428 is not received. The Department requested a response by October 4, 2021.

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 September 14, 2021, the Department received the signed certified mailing card, but the Department did not receive any further response to the incomplete transfer.
6. As of October 8, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water, or an Application for Extension of Time on Transfer T-8428 has been filed with the Department.
7. A description of the inchoate right that is lost is as follows:

Certificate: 7561 in the name of BRIDGE WATER DISTRICT (perfected under Permit S-7905)

Use: DOMESTIC

Priority Date: APRIL 13, 1927

Rate: 0.1 CUBIC FOOT PER SECOND

Duty: The amount of water used for irrigation, together with the amount secured 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 in case of rotation.

Source: A SPRING FLOWING INTO SALMON CREEK, tributary of MIDDLE FORK COQUILLE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
<i>Not specified in certificate</i>				

Authorized Place of Use:

DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
29 S	11 W	WM	33	NE NE

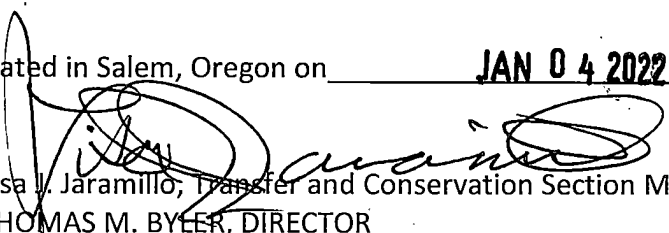
Conclusions of Law

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 right under Transfer Application T-8428 is lost and is of no further force or effect.

Dated in Salem, Oregon on JAN 04 2022


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

Mailing date: JAN 05 2022