

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-6819, Jackson County                            )     CHANGE IN CHARACTER OF USE

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**

Phillip G. and Patricia A. Clark  
17600 Hwy 238  
Grants Pass, OR 97527

**Findings of Fact**

1. On September 2, 1992, Thomas C. O’Connell Jr. filed an application to change the character of use under Certificate 55223. The Department assigned the application number T-6819.
2. On March 24, 2006, an assignment of Transfer Application T-6819 from Thomas C. O’Connell Jr. to Phillip G. and Patricia A. Clark was recorded in the records of the Water Resources Department.
3. The entirety of the right to be transferred is as follows:

**Certificate:** 55223 in the name of RUDOLPH ACKERMAN (perfected under Permit G-8680)

**Use:** IRRIGATION of 4.3 ACRES

**Priority Date:** MAY 21, 1979

**Rate:** 0.05 CUBIC FOOT PER SECOND (cfs)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre feet per acre per year

**Source:** A WELL in the APPLGATE RIVER BASIN

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 Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
38 S	4 W	WM	20	NE SE	400 FEET SOUTH AND 150 FEET WEST FROM THE E1/4 CORNER OF SECTION 20

**Authorized Place of Use:**

**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	4 W	WM	20	NE SE	4.3

4. Application T-6819 proposes to change the character of use to SUPPLEMENTAL IRRIGATION.
5. 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.
6. On May 11, 2006, the Department issued a Preliminary Determination proposing to approve Transfer Application T-6819 and mailed a copy to the applicant.
7. Notice of the Preliminary Determination for the transfer application was published on the Department’s weekly notice on May, 16, 2006 and in the Medford Mail Tribune on August 6, August 13, and August 20, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to these notices.
8. Water has been used within the five years prior to filing of the application 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.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

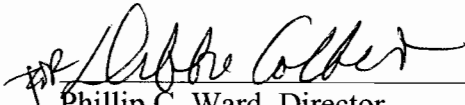
The change in character of use proposed in Transfer Application T-6819 is consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in character of use proposed in application T-6819 is approved.
2. Water right certificate number 55223 is 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 Certificate 55223 and any related decree.
4. The approved change 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 change and full beneficial use of the water.
5. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 27 day of September 2006.

  
Phillip C. Ward, Director

Mailing Date: OCT 09 2006