

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-8553, Klamath County, Oregon)	REVERSION OF AN ADDITIONAL
)	POINT OF APPROPRIATION

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Transfer Applicant

RUSSELL COCHRAN
11011 AZAHAR, SUITE 6
VENTURA CA 93004

Landowner

WILHELM FREUH
6101 N PASEO VALDEAR
TUCSON AZ 85750

Findings of Fact

1. On June 19, 2000, RAY AND LYNNE FISCHER filed an application for additional points of appropriation under Certificates 26808, 26809, 34767, and 52213 and to change the place of use under Certificate 52212. The Department assigned the application number T-11214.
2. On September 5, 2003, the Water Resources Department issued an order approving the additional points of appropriation and change in place of use. The order was recorded in Special Order Volume 58, Pages 111-118.
3. On October 15, 2008, Transfer Application T-8553 was assigned to THE LUCKY Y RANCH, 21515 ROSCOE BOULEVARD, CANOGA PARK, CALIFORNIA 90304.
4. On June 10, 2013, Transfer Application T-8553 was assigned to RUSSELL COCHRAN, 11011 AZAHAR STREET, SUITE 6, VENTURA, CALIFORNIA 93004.
5. On March 13, 2017, the Department received a written request from Wilhelm Frueh, stating that he is the landowner of a portion of the lands under Transfer T-8553. He requested that his land under Certificate 34767, receiving an additional point of appropriation, be reverted back from the proposed additional point of appropriation to the point of appropriation that was authorized under Certificate 34767 prior to T-8553.
6. Pursuant to OAR 690-380-6010(6), the point of appropriation shall revert to the last authorized point of appropriation for that portion of the transfer not completed.

This is a final 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.

Conclusion of Law

The request to revert the portion of the right described by Certificate 34767 back to the last authorized point of appropriation is consistent with the requirements of OAR 690-380-6010(6).

Now, therefore, it is ORDERED:

1. The additional point of appropriation for a portion of Certificate 34767, authorized by Transfer Application T-8553, is reverted back to the point of appropriation that was authorized under Certificate 34767 prior to the transfer.
2. A superseding certificate for this portion of Certificate 34767 shall be issued to confirm the water right.

Dated at Salem, Oregon this 31 day of March, 2017.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: APR 06 2017