BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
T-6693, Crook County, Oregon)	

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

Twin Buttes – Severance Ranch (Central Oregon Ranches) 14711 Paulina Highway Post OR 97754

Findings of Fact

- 1. Twin Buttes Severance Ranch (Central Oregon Ranches) filed an application to change the place of use under Certificate 24056. The Department assigned the application number T-6693.
- 2. The Department's weekly publication noticed T-6693 in 1992; no comments were received.
- 3. The property was sold to Delamarter Ranches Ltd. in 1996.
- 4. The application and maps were amended (replaced) on April 29, 2001.
- 5. Joint processing of spatially related transfers 6693 and 8544 identified partial duplication of water rights by Certificates 617 and 24056. Applicant agreed to partial cancellation of both rights as a means of satisfying statutory and regulatory requirements. The affidavit of cancellation for Certificate 617 will be processed in transfer 8544. Thus, as an amendment to T-6693, an affidavit for partial cancellation of Certificate 24056 was received from Rick Delamarter for Oregon Ranching Company:

L	Towi	nship	Raı	nge	Meridian	Sec	1/4	1/4	Acres
	17	S	22	Е	W.M.	22	NE	NE	4.4
	17	S	22	Е	W.M.	22	SE	NE	6.1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in an uncontested 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

6. The right to be modified is as follows:

Certificate: 24056 in the name of H.F. Severance

Use: Irrigation

Priority Date: February 23, 1938

Quantity: 0.17 cfs

Rate/Duty: 1/80 cfs per acre, not to exceed 4 acre-feet per acre

Acres: 13.3

Source: Beaver Creek, tributary of the Crooked River

Authorized Point of Diversion:

Town	Township		nge	Meridian	Sec	1/4	1/4	Location
17	S	22	Е	W.M.	14	NE	NE	600' S & 150' W of the NE corner, Section 14

Authorized Place of Use:

Township		Rai	nge	Meridian	Sec	1/4	1/4	Acres	
	7	S	22	Е	W.M.	22	NE	NE	13.0
1	7	S	22	Е	W.M.	23	NW	NW	0.3

7. Application T-6693 proposes to change the place of use of the right to:

Town	nship	Range		Range Meridian Sec		1/4	1/4	Acres
17	S	22	Е	W.M.	14	SW	NW	1.8
17	S	22	Е	W.M.	14	NW	SW	9.1
17	S	22	Е	W.M.	14	SW	SW	1.0
17	S	22	Е	W.M.	15	NE	SE	1.0
17	S	22	Е	W.M.	15	SE	SE	0.4

- 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 right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
- 11. The proposed change would not result in enlargement of the right.
- 12. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed changes in place of use in application T-6693 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

The changes in place of use proposed in T-6693 are approved, subject to the following conditions:

- 1. The requested partial cancellation of a portion of Certificate 24056 is approved.
- 2. The remainder of Certificate 24056 is cancelled.
- 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 Certificate 24056 and any related decree.
- 4. The proposed changes shall be completed on or before October 1, 2005.
- 5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
- 6. The receiving landowner responsible for completion of all changes shall be:

OREGON RANCHING COMPANY (DELAMARTER RANCHES LTD.) 14711 PAULINA HIGHWAY POST OR 97754

- 7. Certificate 80613 shall be issued to confirm the remaining rights NOT involved in the partial cancellation and transfer.
- 8. When satisfactory proof of the completed change is received, a new certificate confirming the transferred water rights shall be issued.

Dated at Salem, Oregon this 23 day of June, 2004.

Phillip C. Ward, Acting Director

Mailing date: _____JUL 0 2 2004