

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

In the Matter of Transfer Application) FINAL ORDER APPROVING CHANGE
T-9676, Baker County for a change in) IN PLACE OF USE
Place of Use)

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

Eugene W. Gramzow
678 Rendezvous Ct.
Pagosa Springs, CO 81147

Findings of Fact

1. Eugene W. Gramzow filed an application to transfer the place of use under Certificate 74032 The Department assigned the application number T-9676.
2. The portion of the right to be transferred is as follows:

Certificate: 74032 in the name of Douglas Newman
Use: Irrigation
Priority Date: 1878, 1886, 1891
Quantity: 2.48 cfs; being 0.48 cfs of 1878, 0.76 cfs of 1886, and 1.24 of 1891
Rate: 1/40 cfs per acre
Acres: 99.0; being 19.1 ac of 1878, 30.4 ac of 1886, and 49.5 ac of 1891
Source: Rock Creek, tributary to Powder River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
7	S	38	E	W.M.	33	NW SE			880’ S & 70’ E from the center of Section 33.

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 Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Priority	Acres
7	S	38	E	W.M.	27	SW NE			1886	7.7
7	S	38	E	W.M.	27	SE NW			1886	9.7
7	S	38	E	W.M.	27	SE NW			1878	5.8
7	S	38	E	W.M.	27	NE SW			1878	13.3
7	S	38	E	W.M.	27	NE SW			1891	7.1
7	S	38	E	W.M.	27	SE SW			1891	42.4
7	S	38	E	W.M.	27	NE SE			1886	3.1
7	S	38	E	W.M.	27	NW SE			1886	9.9

3. Application T-9676 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Priority	Acres
7	S	38	E	W.M.	27	SW NE			1891	7.7
7	S	38	E	W.M.	27	SE NW			1891	15.5
7	S	38	E	W.M.	27	NE SW			1886	7.1
7	S	38	E	W.M.	27	NE SW			1891	13.3
7	S	38	E	W.M.	27	SE SW			1886	23.3
7	S	38	E	W.M.	27	SE SW			1878	19.1
7	S	38	E	W.M.	27	SW SW			1891	3.1
7	S	38	E	W.M.	27	NW SE			1891	9.9

4. 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.
5. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
6. The proposed change would not result in enlargement of the right.
7. The proposed change would not result in injury to other water rights.

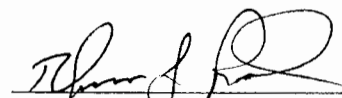
Conclusions of Law

The proposed changes in place of use in application T-9676 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change place of use proposed in application T-9676 is approved.
2. Water right certificate 74032 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer
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 74032 and any related decree.
4. The proposed change shall be completed on or before October 1, 2006.
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, 2007.
6. The former place of use shall no longer be irrigated as part of this water right.
7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 24th day of FEBRUARY, 2005.



Phillip C. Ward
Director

Mailing date: MAR 04 2005