

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

In the Matter of Transfer Application T-9464,)
Approving a Change in Place of Use, Lake County)

FINAL ORDER

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

Daniel S. and Patricia M. Aldridge
PO Box 846 (58898 Millican Road)
Christmas Valley OR 97641

Agent

Dennis R. Glender (Glender's Hydrotech Services)
93921 Pike Lane
Lakeview OR 97630

Findings of Fact

1. Daniel S. and Patricia M. Aldridge filed an application to change the place of use under Certificate 55095. The Department assigned the application number T-9464.
2. The right to be transferred is as follows:

Certificate: 55095 in the name of Department of Veteran's Affairs
Use: Irrigation of 100 acres
Priority Date: November 21, 1977
Rate: 1.25 cfs
Limit/Duty: 1/80 cfs per acre, not to exceed 3 acre-feet per acre
Source: Well in the Fort Rock Basin

Authorized Point of Appropriation:

Township	Range	Meridian	Sec	¼	¼	Survey Coordinates
26	S	17	E	W.M.	24	NE SW 2550 feet North & 50 feet West of S¼ corner, Section 24

Authorized Place of Use:

Township	Range	Meridian	Sec	¼	¼	Acres
26	S	17	E	W.M.	24	NE SW 33.4
26	S	17	E	W.M.	24	SE SW 33.3
26	S	17	E	W.M.	24	SW SE 33.3

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 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order.

3. Application T-9464 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
26	S	17	E	W.M.	24	NE SW	31.4
26	S	17	E	W.M.	24	SW SW	31.4
26	S	17	E	W.M.	24	SE SW	37.2

4. 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.
5. 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.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

Conclusions Of Law


The change in place of use proposed in application T-9464 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. 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 55095 and any related decree.
2. The proposed change shall be completed on or before October 1, 2006.
3. 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.
4. Certificate 55095 is cancelled. Upon evaluation of the claim of beneficial use, a new certificate shall be issued to describe the transferred rights.
5. The former place of use shall no longer be irrigated as part of this water right.
6. 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.

Dated at Salem, Oregon this 13th day of December, 2004.


Phillip C. Ward, Director

Mailing date: DEC 22 2004