

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

In the Matter of Transfer Application T-9415)
 To change the Place of Use and Point of Appropriation) FINAL ORDER
 Lake County, Oregon)

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, point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 15 implemented the statutes and provided the Department's procedures and criteria for evaluating this transfer application.

Applicant

Lawrence and Marjorie Iverson
 P.O. Box 97
 Silver Lake, OR 97638

Responsible Party (Receiving Landowner)

Lance and Carrie Brown
 P.O. Box 100
 Silver Lake, OR 97638

Findings of Fact

1. Lawrence and Marjorie Iverson filed an application to transfer the place of use for 28.0 acres under Certificate 76422 and to change the point of appropriation for 24.2 acres of those 28.0 acres. The Department assigned the application number T-9415.
2. The right to be transferred is as follows:

Certificate: 76422 in the name of Lawrence and Marjorie Iverson
Use: Irrigation
Priority Date: July 2, 1974
Quantity: 0.35 cfs
Acres: 28.0
Source: Marjorie Iverson Well (LAKE 1342) in the Fort Rock Basin
Authorized Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
28	S	15	E	W.M.	19	NE NE	1040' S. and 1250' W from the NE corner of Section 19

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
28	S	15	E	W.M.	20	NW NW	28.0

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

3. Application T-9415 proposes to move the authorized point of appropriation for 0.30 cfs to irrigate 24.2 acres, approximately 4½ miles west in the Fort Rock Basin to a well (LAKE 51173) located as follows:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
28	S	14	E	W.M.	21	NE SW	N 3° 23' 55" W. 957.93' from the CS 1/16 corner of Section 21

4. Application T-9415 proposes to change the point of appropriation and place of use for 24.2 acres to the following described locations:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres	POA Well Log
28	S	14	E	W.M.	21	NE SW	3.49	LAKE 51173
28	S	14	E	W.M.	21	NW SW	7.03	LAKE 51173
28	S	14	E	W.M.	21	SW SW	12.68	LAKE 51173
28	S	14	E	W.M.	21	SE SW	0.33	LAKE 51173
28	S	14	E	W.M.	28	NE NW	0.24	LAKE 51173
28	S	14	E	W.M.	28	NW NW	0.43	LAKE 51173

5. Application T-9415 proposes to change only the place of use for 3.80 acres to the following described location:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres	POA Well Log
28	S	15	E	W.M.	18	SE SE	3.80	LAKE 1342

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-015-0080. No protests were filed in response to the notices.
7. Water has been used under the terms and conditions of Certificate 76422 within the five years prior to filing of the application and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed changes would not result in enlargement of the right.
10. Lance and Carrie Brown, P.O. Box 100, Silver Lake, OR 97638 are the owners of the affected lands in Sections 21 and 28, T28S, R14E, W.M., and are to be responsible for completion of the changes to the water right on those lands.
11. The changes in place of use and point of appropriation requested by Lawrence and Marjorie Iverson can be effected without injury to other water rights if conditioned as follows:
- The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized under the right.
 - The water user shall install in-line flow meters or other suitable devices for measuring and recording the quantity of water used. The type and plans of the measuring

devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

c. Water shall be acquired from the same aquifer as the original point of appropriation.

12. The well identified by well ID tag L 24931 (well log LAKE 51173) taps the same aquifer as the Marjorie Iverson well (well log LAKE 1342).

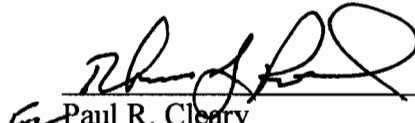
Conclusion of Law

The changes proposed in application T-9415, conditioned as described above, can be effected without injury to other water rights.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation and place of use proposed in application T-9415 are approved.
2. Water right certificate 76422 is cancelled.
3. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully authorized under the right.
4. Prior to diverting water at the new point of appropriation, 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.
5. Lance and Carrie Brown, P.O. Box 100, Silver Lake, OR 97638 are responsible for completion of the changes in Sections 21 and 28, T28S, R14E, W.M.
6. The changes shall be completed on or before October 1, 2005.
7. By October 1, 2006 the water user shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).
8. When satisfactory proof of the completed changes to the water right is received, a new certificate will be issued describing the transferred water right. All the terms and conditions of the right perfected under Permit G-6174 shall be included in the new certificate.

Dated at Salem, Oregon this 26th day of March, 2004.



For Paul R. Cleary
Director

Mailing date: APR 08 2004