

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

In the Matter of Transfer Application	)	SUPERSEDING CORRECTING FINAL
T-11204, Deschutes County	)	ORDER APPROVING A CHANGE IN
	)	POINT OF APPROPRIATION AND
	)	CHANGE IN PLACE OF USE

**Authority**

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**

PATRICK AND FRANCES DRENNEN  
17461 SE FORKED HORN DRIVE  
SISTERS, OR 97759

**Findings of Fact**

**Background**

1. On September 2, 2011, the Department issued a Final Order Approving a Change in Point of Appropriation and Change in Place of Use for Transfer Application T-11204. This order is issued to correct a scrivener's error in the location of the proposed point of diversion and supersedes the order recorded at Special Order Volume 85, Pages 417-420.
2. On March 7, 2011, PATRICK AND FRANCES DRENNEN filed an application to change the point of appropriation and to change the place of use under Certificate 86873. The Department assigned the application number T-11204.
3. The portion of the right to be transferred is as follows:

**Certificate:** 86873 in the name of CATHLEEN WARNER (perfected under Permit G-12549)  
**Use:** IRRIGATION of 2.0 ACRES  
**Priority Date:** AUGUST 11, 1993  
**Rate:** 0.025 CUBIC FOOT PER SECOND

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Period of Use:** March 1 through October 31

**Source:** A WELL within the DESCHUTES RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	11 E	WM	7	SE NE	806.78 FEET NORTH AND 941.70 FEET WEST FROM THE E¼ CORNER OF SECTION 7

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
16 S	11 E	WM	7	SE NE	2.0

4. Transfer Application T-11204 proposes to move the authorized point of appropriation approximately 3¾ miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	11 E	WM	19	NW NE	649 FEET SOUTH AND 964 FEET EAST FROM THE N¼ CORNER OF SECTION 19

5. Transfer Application T-11204 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	11 E	WM	19	NW NE	2.0

6. Notice of the application for transfer was published on March 15, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On May 27, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11204 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 27, 2011, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On June 15, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11204 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 21, 2011, and in The Bulletin newspaper on August 5, 12, and 19, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

***Transfer Review Criteria (OAR 690-380-4010)***

9. Water has been used within the last five years according to the terms and conditions of the right(s). There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11204.
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 change in point of appropriation and change in place of use proposed in Transfer Application T-11204 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000, and the scrivener's error in Special Order Volume 85, Pages 417-420 should be corrected in the record.

**Now, therefore, it is ORDERED:**

1. This Order supersedes the order recorded at Special Order Volume 85, Pages 417-420. The order recorded at Special Order Volume 85, Pages 417-420 is of no further force or effect.
2. The change in point of appropriation and change in place of use proposed in Transfer Application T-11204 are approved.
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 86873 and any related decree.
4. Water right certificate 86873 is cancelled. A new certificate will be issued describing portion of the right not affected by this transfer.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
  8. The former place of use of the transferred right shall no longer receive water under the right.
  9. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
  10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 27 day of September 2011.

  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: SEP 28 2011