

STATE OF OREGON

COUNTY OF KLAMATH

In the Matter of Transfer Application T-7748,) FINAL ORDER
Approving a Change in Point of Appropriation)
to an Existing Water Right)

Findings of Fact

1. Pursuant to ORS 540.520,

Jeld-Wen Inc.
PO Box 5079
Klamath Falls OR 97601

submitted a transfer application to the Oregon Water Resources Department to change a point of appropriation of an existing water right. The application was received on April 21, 1997, and included the required fees. The Department assigned the transfer application number T-7748.

2. The Department's weekly publication noticed submission of T-7748 on April 29, 1997; no comments were received.

3. T-7748 proposes to modify the following water right:

Certificate: 53851 issued in the name of Jeld-Wen Inc.
Use: Irrigation
Priority Date: May 11, 1979
Quantity: 0.80 cfs
Acres: 64.4
Rate & Duty: one-eightieth of one cfs per acre, and a maximum of 3 acre-feet per acre
Source: Well in the Buck Creek Basin

4. The authorized point of appropriation is:

Table with 6 columns: Township, Range, Section, Lot/DLC, Q-Q, Coordinates. Row 1: 37S, 11.5E, 25, SE NW, 900' N & 50' W of the center of Section 25

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.

5. T-7748 proposes to change the point of appropriation for part of the water right:

Willamette Meridian					
Township	Range	Section	Lot/DLC	Q-Q	Coordinates
37S	11.5E	25		NE NW	100' S & 2490' E of the NW corner of Section 25

6. The proposed place of use for water from the new point of appropriation is as follows:

Willamette Meridian					
Township	Range	Section	Lot / DLC	Q-Q	Acres
37S	11.5E	24		SW SE	16.5
37S	11.5E	24		SE SE	29.2
37S	11.5E	25		NE NE	2.3
37S	11.5E	25		NW NE	16.4

7. Pursuant to ORS 540.520 (6), public notice of the changes proposed by T-7748 was given and no comments were received.

Conclusions of Law

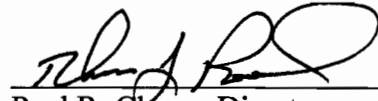
1. T-7748 complies with the requirements of ORS 540.520, and the Department finds that no injury to existing water rights would result from this transfer.

Order

Now, it is therefore ORDERED:

1. Transfer T-7748 is approved, provided the following conditions are met by the water user:
 - a. The proposed changes shall be completed by October 1, 2005.
 - b. 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.
 - c. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
 - d. The quantity of water used at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
 - e. 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 used. 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.
2. Certificate 53851 is cancelled.
3. Certificate 80630 be issued to describe the remaining rights from Certificate 53851 NOT involved in T-7748.
4. When satisfactory proof of the completed change is received, a new certificate confirming the transferred water right shall be issued.

WITNESS the signature of the Water Resources Director, affixed MAR 30 2004.


Paul R. Cleary, Director