



processing the application. The Department requested that the deficiencies be resolved by May 25, 2018. No response was received to the letter.

6. On May 22, 2018, David R. Larson contacted the Department by phone, informing the Department that the original applicant had moved, and that David R. Larson was the current landowner of the property identified in the application.
7. On May 22, 2018, the Department contacted David R. Larson by written correspondence to inform him of the steps needed to continue processing T-12754. The Department requested that the deficiencies be resolved by June 22, 2018.
8. On July 5, 2018, transfer application T-12754 was assigned from Ryan M. Harris to David R. Larson.
9. On July 27, 2018, the Department mailed a copy of a revised draft Preliminary Determination proposing to approve Transfer Application T-12754 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of August 27, 2018, for the applicant to respond. No response was received to the letter.
10. On August 17, 2018, the Watermaster notified the Department that the head of the Nye Ditch, which is the conveyance for the water right being transferred, already has a measurement device, and T-12754 is just a change in place of use and there is no need for an additional device at the point of delivery associated with this transfer.
11. On October 1, 2018, the Department sent a letter to Mr. David R. Larson, informing him the Department had not received the written agreement to the revised draft Preliminary Determination, report of ownership, and an Affidavit of Consent from Stuart Carrico. The letter set forth a deadline of October 30, 2018, for the applicant to respond. No response has been received from the applicant.
12. On October 29, 2018, the Department received a report of ownership from the applicant, which identified the tax lot where the "TO" lands would be located.
13. On November 2, 2018, the Department sent a letter to the applicant, informing him the report of ownership identified an incorrect property, and that the report of ownership must identify the lands to which the water right is appurtenant, being the "FROM" lands. The Department also had not received an Affidavit of Consent from Stuart Carrico, who is the land owner of the "FROM" lands. The letter set forth a deadline of December 3, 2018, for the applicant to respond.
14. On December 3, the Department received the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
15. On December 17, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12754 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on December 18, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

16. The portion of the right to be transferred is as follows:

**Certificate:** 88740 in the name of STUART O. CARRICO AND LINDA M. CARRICO (perfected under Permit S-50242)  
**Use:** DOMESTIC USE  
**Priority Date:** NOVEMBER 25, 1987  
**Rate:** 0.005 CUBIC FOOT PER SECOND  
**Source:** NORTH FORK ROGUE RIVER, a tributary to the ROGUE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
32 S	3 E	WM	29	NW SW	590 FEET SOUTH AND 100 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 29

**Authorized Place of Use:**

DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
33 S	2 E	WM	2	SE SE

17. Transfer Application T-12754 proposes to change the place of use of the right to:

DOMESTIC				
Twp	Rng	Mer	Sec	Q-Q
33 S	2 E	WM	1	SW SE

**Transfer Review Criteria [OAR 690-380-4010(2)]**

18. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
19. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12754.
20. The proposed change would not result in enlargement of the right.
21. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The change in place of use proposed in Transfer Application T-12754 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in place of use proposed in Transfer Application T-12754 is approved.
2. 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 88740 and any related decree.

3. Water right Certificate 88740 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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 change and full beneficial use of the water.
5. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this FEB 01 2019.



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: FEB 04 2019