

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

IN THE MATTER OF A LOSS OF RIGHT            )  
DUE TO FAILURE TO APPLY WATER TO        )  
BENEFICIAL USE UNDER THE TERMS OF     )        FINAL ORDER  
AN ORDER APPROVING T-7974, BAKER        )  
COUNTY    )

**Authority**

Oregon Administrative Rule 690-380-6010(2) provides that any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for change in use or place of use, or within any extension of time allowed for completion, is lost.

**Applicants**

JOHN INMAN	ROGER INMAN
51 SAN PEDRO ST	1511 BELLEOU WOOD DR
SALINAS CA 93901	TALLAHASSEE, FL 32308

**Agent**

BRENT THOMPSON  
48363 HWY 30  
HAINES, OR 97833

**Findings of Fact**

1. On April 3, 1998, John Inman and Roger Inman filed an application to change the place of use under Certificates 1463, 1498, 13542, 34740, 34741, 51497, 66286, 81738, and 81740. The Department assigned the application number T-7974.
2. On July 11, 2006, Transfer Application T-7974 was approved and the order is recorded in Special Order Volume 69, Page 65. Certificates 1463, 1498, 13542, 34740, 34741, 51497, 66286, 81738, and 81740 were cancelled and the rights are considered inchoate.
3. The final order set a date of OCTOBER 1, 2008 for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2009.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in 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 137-004-0080, 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.

4. On November 23, 2020, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on a Transfer is not received. The Department requested a response by December 24, 2020.
5. On December 9, 2020, the Department received a signed certified mailing card, but the Department did not receive any further response to the incomplete transfer.
6. As of April 15, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department, and the Department has also not received an Application for Extension of Time on a Transfer.
7. A description of the inchoate rights that are lost are as follows:

**Certificate:** 1463 in the name of L.M. DOUGHERTY (confirmed by North Powder River decree)

**Use:** IRRIGATION of 5.0 ACRES, LIVESTOCK AND DOMESTIC

**Priority Date:** 1898

**Rate:** 0.13 cubic foot per second (cfs) from 3/1 to 7/1 and 0.06 cfs from 7/1 to 10/1 not to exceed 13.0 acre foot.

**Source:** NORTH POWDER RIVER, tributary to POWDER RIVER

**Authorized Points of Diversion:**

SMITH, MCPHEE AND TANNER DITCHES

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	SE SE	5.0

**Certificate:** 1498 in the name of G.W. NEILL (confirmed by North Powder River decree)

**Use:** IRRIGATION of 192.0 ACRES, and LIVESTOCK

**Priority Date:** 1901

**Rate:** 4.8 cubic feet per second (cfs) from March 1<sup>st</sup> to July 1<sup>st</sup> and 2.4 cfs from July 1<sup>st</sup> to October 1<sup>st</sup> of each year not to exceed 480 acre-feet.

**Source:** NORTH POWDER RIVER, tributary to POWDER RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	38 E	WM	36	SE SW	KELSEY WILSON DITCH

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	NE SW	20.0
7 S	39 E	WM	10	NW SW	32.0
7 S	39 E	WM	10	SW SW	40.0
7 S	39 E	WM	10	SE SW	20.0
7 S	39 E	WM	15	NE NW	40.0
7 S	39 E	WM	15	NW NW	40.0
Total					192.0

**Certificate:** 13542 in the name of ARMAND W PERKINS (perfected under Permit S-14197)  
**Use:** IRRIGATION of 94.7 ACRES and SUPPLEMENTAL IRRIGATION of 25.1 ACRES  
**Priority Date:** MARCH 8, 1940  
**Rate:** 3.0 cfs  
**Limit/Duty:** 1/40 cfs per acre, for each acre irrigated  
**Source:** POWDER RIVER AND WATER STORED IN RESERVOIR UNDER PERMIT NO. R-745, tributary to POWDER RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
7 S	39 E	WM	10	SE SE
7 S	39 E	WM	11	NE SW

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	SW SE	17.5
7 S	39 E	WM	10	SE SE	20.0
7 S	39 E	WM	11	NW SW	4.6
7 S	39 E	WM	11	SW SW	12.0
7 S	39 E	WM	15	NE NE	4.6
7 S	39 E	WM	15	NW NE	36.0
Total					94.7

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	SE SW	0.1
7 S	39 E	WM	10	SW SE	8.0
7 S	39 E	WM	10	SE SE	5.0
7 S	39 E	WM	15	NE NW	12.0
Total					25.1

**Certificate:** 34740 in the name of MARION INMAN (perfected under Permit S-30385)  
**Use:** IRRIGATION of 19.0 ACRES  
**Priority Date:** APRIL 16, 1965  
**Rate:** 0.48 cfs  
**Limit/Duty:** 1/40 cfs per acre, not to exceed 4.0 acre-feet per acre per year  
**Source:** NORTH POWDER RIVER, tributary to POWDER RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	38 E	WM	36	SE SW	KELSEY WILSON DITCH: 350 FEET SOUTH AND 190 FEET WEST FROM NE CORNER, SESW, SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	NW SW	6.00
7 S	39 E	WM	16	NE NE	13.00



**Certificate:** 34741 in the name of MARION INMAN (perfected under Permit S-30386)  
**Use:** IRRIGATION of 99.0 ACRES  
**Priority Date:** APRIL 16, 1965  
**Rate:** 2.17 cfs  
**Limit/Duty:** 1/40 cfs per acre, not to exceed 3.50 acre-feet per acre per year  
**Source:** POWDER RIVER, tributary to SNAKE RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	39 E	WM	10	SE SE	1230 FEET SOUTH AND 190 FEET EAST FROM E1/4 CORNER, SECTION 10
7 S	39 E	WM	11	NW SW	2100 FEET SOUTH AND 530 FEET WEST FROM E1/4 CORNER, SECTION 10

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	NE SE	15.2
7 S	39 E	WM	10	SE SE	2.6
7 S	39 E	WM	11	NW SW	22.4
7 S	39 E	WM	11	SW SW	14.4
7 S	39 E	WM	14	NW NW	34.0
7 S	39 E	WM	15	NE NE	10.4
Total					99.0

**Certificate:** 51497 in the name of OSCAR JACOBSEN (confirmed by Powder River decree)  
**Use:** IRRIGATION of 93.0 ACRES  
**Priority Date:** 1893 for 14.7 acres and 1899 for 78.3 acres  
**Rate:** 2.33 cfs from 3/1-7/1 and 1.16 cfs from 7/1-10/1 not to exceed 232 acre feet  
**Source:** NORTH POWDER RIVER, tributary to POWDER RIVER

**Authorized Points of Diversion:**

SMITH, MCPHEE AND TANNER DITCHES

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	NE SW	20.0
7 S	39 E	WM	10	SE SW	20.0
7 S	39 E	WM	10	NE SE	5.0
7 S	39 E	WM	10	NW SE	40.0
7 S	39 E	WM	10	SW SE	8.0
Total					93.0

**Certificate:** 66286 in the name of JOHN INMAN (perfected under Permit S-49893)  
**Use:** PRIMARY IRRIGATION of 19.1 ACRES, AND SUPPLEMENTAL IRRIGATION OF 204.7 ACRES  
**Priority Date:** JULY 14, 1986  
**Rate:** 5.59 cfs  
**Limit/Duty:** 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre per year  
**Source:** WARM SPRINGS CREEK, tributary to POWDER RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	39 E	WM	6	NE SE	1390 FEET NORTH AND 1220 FEET WEST FROM SE CORNER, SECTION 6

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	16	NE NE	19.1

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	NE SW	35.7
7 S	39 E	WM	10	NW SW	36.8
7 S	39 E	WM	10	SW SW	37.8
7 S	39 E	WM	10	SE SW	30.2
7 S	39 E	WM	10	NW SE	15.7
7 S	39 E	WM	10	SW SE	2.6
7 S	39 E	WM	15	NE NW	6.8
7 S	39 E	WM	15	NW NW	26.5
7 S	39 E	WM	16	NE NE	12.6
Total					204.7

**Certificate:** 81738 in the name of MARION C INMAN (perfected under Permit S-44618)

**Use:** SUPPLEMENTAL IRRIGATION of 148.5 ACRES

**Priority Date:** DECEMBER 14, 1979

**Rate:** 8.0 ACRE FEET STORED WATER ONLY FROM INMAN RESERVOIR FOR SUPPLEMENTAL IRRIGATION

**Limit/Duty:** 1/40 of one cfs per acre, not to exceed 3.5 acre feet per acre from STORAGE FROM INMAN RESERVOIR CONSTRUCTED UNDER PERMIT R-5295

**Source:** INMAN RESERVOIR ENLARGED UNDER PERMIT R-5295, tributary to POWDER RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	39 E	WM	10	NW SE	1040 FEET SOUTH AND 800 FEET EAST FROM THE CENTER, SECTION 10

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	SE SW	6.2
7 S	39 E	WM	10	NW SE	2.7
7 S	39 E	WM	10	SW SE	37.0
7 S	39 E	WM	10	SE SE	25.0
7 S	39 E	WM	11	SW SW	0.2
7 S	39 E	WM	15	NE NE	4.6
7 S	39 E	WM	15	NW NE	33.6
7 S	39 E	WM	15	NE NW	31.2
7 S	39 E	WM	15	NW NW	8.0
Total					148.5

**Certificate:** 81740 in the name of MARION C INMAN (perfected under Permit S-33518)  
**Use:** IRRIGATION of 11.5 ACRES AND SUPPLEMENTAL IRRIGATION OF 137.0 ACRES  
**Priority Date:** APRIL 23, 1968  
**Rate:** 0.5 cfs  
**Limit/Duty:** 1/40 of one cfs per acre, not to exceed 3.50 acre-feet per acre FROM DIRECT FLOW AND STORAGE FROM INMAN RESERVOIR CONSTRUCTED UNDER PERMIT R-5295  
**Source:** UNNAMED DRAW AND INMAN RESERVOIR CONSTRUCTED UNDER PERMIT R-5295, tributary to POWDER RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	39 E	WM	10	NW SE	1040 FEET SOUTH AND 800 FEET EAST FROM THE CENTER, SECTION 10

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	SW SE	11.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	10	SE SW	6.2
7 S	39 E	WM	10	NW SE	2.7
7 S	39 E	WM	10	SW SE	25.5
7 S	39 E	WM	10	SE SE	25.0
7 S	39 E	WM	11	SW SW	0.2
7 S	39 E	WM	15	NE NE	4.6
7 S	39 E	WM	15	NW NE	33.6
7 S	39 E	WM	15	NE NW	31.2
7 S	39 E	WM	15	NW NW	8.0
Total					137.0

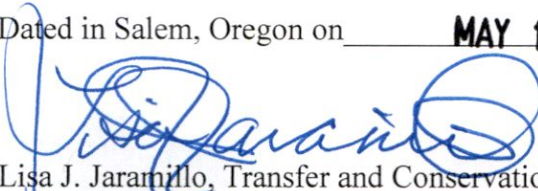
**Conclusions of Law**

The loss of rights described above are consistent with the requirements of OAR 690-380-6010(2).

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

1. The inchoate rights under Transfer Application T-7974 are lost, and are of no further force or effect.

Dated in Salem, Oregon on           **MAY 12 2021**          



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date:           **MAY 13 2021**