

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

In the Matter of Transfer Application)
T-10526, Lake County)
) FINAL ORDER APPROVING AN
) ADDITIONAL POINT OF
) APPROPRIATION

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

TOWN OF LAKEVIEW
525 N 1ST ST.
LAKEVIEW, OR 97630

Findings of Fact

Background

1. On January 30, 2008, Darryl Anderson filed an application on behalf of the Town of Lakeview to add a point of appropriation under Certificate 36772. The Department assigned the application number T-10526.

2. The right to be transferred is as follows:

Certificate: 36772 in the name of LAKEVIEW WATER COMMISSION (perfected under Permit G-3564)

Use: MUNICIPAL USES

Priority Date: JANUARY 17, 1967

Rate: 1.0 CUBIC FOOT PER SECOND

Source: A WELL in the BULLARD CREEK (THOMAS CREEK) BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
39 S	20 E	WM	15	NW SW	73.5 FEET SOUTH AND 28.0 FEET EAST FROM THE SW CORNER OF THE NW¼ OF SECTION 15

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.

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
39 S	20 E	WM	9	NE NE
39 S	20 E	WM	9	NW NE
39 S	20 E	WM	9	SW NE
39 S	20 E	WM	9	SE NE
39 S	20 E	WM	9	NE NW
39 S	20 E	WM	9	NW NW
39 S	20 E	WM	9	SW NW
39 S	20 E	WM	9	SE NW
39 S	20 E	WM	9	NE SW
39 S	20 E	WM	9	NW SW
39 S	20 E	WM	9	SW SW
39 S	20 E	WM	9	SE SW
39 S	20 E	WM	9	NE SE
39 S	20 E	WM	9	NW SE
39 S	20 E	WM	9	SW SE
39 S	20 E	WM	9	SE SE
39 S	20 E	WM	10	NE NE
39 S	20 E	WM	10	NW NE
39 S	20 E	WM	10	SW NE
39 S	20 E	WM	10	SE NE
39 S	20 E	WM	10	NE NW
39 S	20 E	WM	10	NW NW
39 S	20 E	WM	10	SW NW
39 S	20 E	WM	10	SE NW
39 S	20 E	WM	10	NE SW
39 S	20 E	WM	10	NW SW
39 S	20 E	WM	10	SW SW
39 S	20 E	WM	10	SE SW
39 S	20 E	WM	10	NE SE
39 S	20 E	WM	10	NW SE
39 S	20 E	WM	10	SW SE
39 S	20 E	WM	10	SE SE
39 S	20 E	WM	15	NE NE
39 S	20 E	WM	15	NW NE
39 S	20 E	WM	15	SW NE
39 S	20 E	WM	15	SE NE
39 S	20 E	WM	15	NE NW
39 S	20 E	WM	15	NW NW
39 S	20 E	WM	15	SW NW
39 S	20 E	WM	15	SE NW
39 S	20 E	WM	15	NE SW
39 S	20 E	WM	15	NW SW
39 S	20 E	WM	15	SW SW
39 S	20 E	WM	15	SE SW
39 S	20 E	WM	15	NE SE
39 S	20 E	WM	15	NW SE
39 S	20 E	WM	15	SW SE
39 S	20 E	WM	15	SE SE
39 S	20 E	WM	16	NE NE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
39 S	20 E	WM	16	NW NE
39 S	20 E	WM	16	SW NE
39 S	20 E	WM	16	SE NE
39 S	20 E	WM	16	NE NW
39 S	20 E	WM	16	NW NW
39 S	20 E	WM	16	SW NW
39 S	20 E	WM	16	SE NW
39 S	20 E	WM	16	NE SW
39 S	20 E	WM	16	NW SW
39 S	20 E	WM	16	SW SW
39 S	20 E	WM	16	SE SW
39 S	20 E	WM	16	NE SE
39 S	20 E	WM	16	NW SE
39 S	20 E	WM	16	SW SE
39 S	20 E	WM	16	SE SE
39 S	20 E	WM	21	NE NE
39 S	20 E	WM	21	NW NE
39 S	20 E	WM	21	SW NE
39 S	20 E	WM	21	SE NE
39 S	20 E	WM	21	NE NW
39 S	20 E	WM	21	NW NW
39 S	20 E	WM	21	SW NW
39 S	20 E	WM	21	SE NW
39 S	20 E	WM	22	NE NE
39 S	20 E	WM	22	NW NE
39 S	20 E	WM	22	SW NE
39 S	20 E	WM	22	SE NE
39 S	20 E	WM	22	NE NW
39 S	20 E	WM	22	NW NW
39 S	20 E	WM	22	SW NW
39 S	20 E	WM	22	SE NW

- Application T-10526 proposes to add an authorized point of appropriation approximately 1,900 feet northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
39 S	20 E	WM	16	NW NE	1,861.35 FEET NORTH AND 1,327.62 FEET WEST FROM THE E¼ CORNER OF SECTION 16

- Notice of the application for transfer was published on February 12, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On February 23, 2009, the Department hand delivered a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10526 to the applicant. The draft Preliminary Determination set forth a deadline of March 20, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
- On March 25, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10526 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 April 7, 2009, and in the Lake County Examiner newspaper on June 10, 17 and 24, 2009, 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)

- Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 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 Application T-10526.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Conclusions of Law

The additional point of appropriation proposed in application T-10526 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

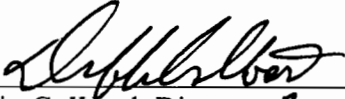
Now, therefore, it is ORDERED:

- The additional point of appropriation proposed in application T-10526 is approved.

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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 36772 and any related decree.
3. Water right certificate 36772 is cancelled.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. 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. The water user shall maintain and operate the measuring device as required by the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
8. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 27th day of July 2009.


Phillip C. Ward, Director *PC*

Mailing date: JUL 28 2009

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