

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

In the Matter of Transfer Application)
T-9253, Jackson County)
)
) **FINAL ORDER APPROVING A
CHANGE IN PLACE OF USE AND
PARTIAL CANCELLATION OF A
WATER RIGHT**

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

LARRY AND RENEE THOMPSON
1085 KUBLI RD
GRANTS PASS OR 97527

Findings of Fact

1. Larry and Renee Thompson filed an application to transfer the place of use under Certificates 62338 and 34036. The Department assigned the application number T-9253.
2. The applicant requested that specific wells be identified as supplying water for specific acres.
3. The amount of cubic feet per second (cfs) identified on the affidavit of cancellation was calculated in error. The applicant recognizes this error and consents to a recalculation where the amount of cfs that should be cancelled under Certificate 62338 should be 0.04 cfs.
4. The portion of the first right to be transferred is as follows:
Certificate: 62338 in the name of DOUGLAS L TRENER (perfected under Permit G-8207)
Use: IRRIGATION of 0.1 ACRE AND SUPPLEMENTAL IRRIGATION of 5.3 ACRES.
Priority Date: MAY 16, 1978
Rate: 0.06 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year
Source: A WELL WITHIN CARIS CREEK BASIN

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 either 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 Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
37 S	4 W	WM	30	NE SW	40	2350 FEET NORTH AND 2510 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
37 S	4 W	WM	30	NE SW	40	0.1

SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
37 S	4 W	WM	30	NE SW	40	5.3

5. Application T-9253 proposes to change the place of use of the right to:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
37 S	4 W	WM	30	NE SW	40	0.1

SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
37 S	4 W	WM	30	NE SW	40	5.2
37 S	4 W	WM	30	NW SW		0.1

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

Certificate: 34036 in the name of CHRIS RALPH (perfected under Permit G-2067)

Use: IRRIGATION AND SUPPLEMENTAL IRRIGATION of 5.3 ACRES

Priority Date: MARCH 1, 1962

Rate: 0.07 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: CARIS CREEK in the APPLGATE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
37 S	4 W	WM	30	NE SW	40	WELL 1 - 120 FEET SOUTH & 1000 FEET WEST FROM CENTER OF SECTION 30
37 S	4 W	WM	30	NE SW	40	WELL 2 - 400 FEET SOUTH & 340 FEET WEST FROM CENTER OF SECTION 30
37 S	4 W	WM	30	NE SW	40	WELL 3 - 810 FEET SOUTH & 270 FEET WEST FROM CENTER OF SECTION 30

Authorized Place of Use:

IRRIGATION AND SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
37 S	4 W	WM	30	NE SW	40	3.1
37 S	4 W	WM	30	NW SW	40	2.2

7. Application T-9253 proposes to change the place of use of the right to:

IRRIGATION AND SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	POA
37 S	4 W	WM	30	NE SW	40	5.2	Well 1 and 2
37 S	4 W	WM	30	SE SW	40	0.1	Well 1 and 2

CANCELLATION OF A PORTION OF WATER RIGHT CERTIFICATE 62338

8. An affidavit for partial cancellation of a water right was received from water right holders Larry and Renee Thompson as follows:

Certificate: 62338 in the name of DOUGLAS L TRENER (perfected under Permit G-8207)

Use: SUPPLEMENTAL IRRIGATION of 3.9 ACRES

Priority Date: MAY 16, 1978

Rate: 0.04 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: A WELL WITHIN CARIS CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
37 S	4 W	WM	30	NE SW	40	2350 FEET NORTH AND 2510 FEET EAST FROM SW CORNER, SECTION 30

Authorized Place of Use to be Cancelled:

SUPPLEMENTAL IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
37 S	4 W	WM	30	NE SW	40	3.9

9. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
10. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. Notice of the Preliminary Determination was published on the Department's Weekly Public Notice on April 25, 2006. No protests were filed in response to the notice.

Conclusions of Law

The change in place of use proposed in application T-9253 appears to be consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Pursuant to ORS 540.621, the portion of a developed right described in Finding of Fact #8 has been abandoned and should be canceled.

Now, therefore, it is ORDERED:

1. The changes proposed in T-9253 are approved.
2. Water right certificates 34036 and 62338 are cancelled. A new certificate will be issued describing that portion of the right evidenced by Certificate 34036 not involved in this transfer. A new certificate will be issued describing that portion of the right evidenced by Certificate 62338 not involved in this transfer or abandoned as described in Finding of Fact #8.
3. The right to 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 Certificates 62338 and 34036 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. 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.
5. The former place of use of the transferred water shall no longer receive water as part of these rights.
6. 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 appropriated. 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.
7. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 31st day of May 2006.



Phillip C. Ward, Director

PCW

Mailing Date JUN 06 2006