BEFORE THE WATER RESOURCES DEPARTMENT. OF THE STATE OF OREGON

In the Matter of Transfer Applications)	FINAL ORDER CORRECTING
T-9737 and T-9803, Harney County)	SCRIVENER'S ERRORS IN A
)	PREVIOUS ORDER

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant T-9737	Applicant T-9803	Agent T-9803
Steve Rickman	Charlotte Lamborn	John Lamborn
69773 Old Experiment Road	P.O. Box 644	90 W Washington St
Burns, OR 97720	Burns, OR 97220	Burns, OR 97720

Findings of Fact

- 1. On May 28, 2004, Steve Rickman filed an application to transfer the place of use of a portion of the water right under Decree Number 914739. The Department assigned the application number T-9737.
- 2. On October 12, 2004, Charlotte Lamborn filed an application to transfer the place of use and point of diversion of a portion of the water right under Decree Number 914739. The Department assigned the application number T-9803.
- 3. On August 24, 2005, the Department issued a Final Order for the transfer, recorded at Special Order Volume 66, Pages 156 to 160. Following issuance of the order the Department recognized a scrivener's error in the table of the portion of the water right to be cancelled.
- 4. This order is issued to supersede the cancellation portion of the previous order recorded at Special Order Volume 66, Pages 156 to 160, and to correct the scrivener's error. All other terms and conditions of the Final Order Approving Change in Place of Use and Point of Diversion recorded at Special Order Volume 66, Pages 156 to 160 remain in full force and effect.

5. Cancellation of a Water Right

On February 15, 2005, an Affidavit for the Partial Cancellation of a Water Right Certificate was received from Steven E. Rickman and Kristi L. Rickman, owners of certain lands and the water rights appurtenant to it. A portion of Water Right Certificate 36833 has been abandoned and is requested to be cancelled. The right to be cancelled is as follows:

Certificate: 36833, in the name of JACKSON RANCH, INC. (perfected Permit G-3053)

Use: IRRIGATION of 57.4 ACRES and SUPPLEMENTAL IRRIGATION of

264.07 ACRES

Priority Date: May 2, 1966

Rate: 0.11 CFS from Well #1 and 3.19 CFS from Well #2

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source: TWO WELLS, tributary to POISON CREEK SLOUGH (SILVIES RIVER)

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
23 S	32 E	WM	18	NW NW	1	WELL 1: 4320 FEET SOUTH AND 40 FEET EAST FROM THE NW CORNER OF SECTION 18
23 S	32 E	WM	18	SW SW	4	WELL 2: 410 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF SECTION 18

Authorized Place of Use to be Cancelled:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well No	Prim/Supp
23 S	32 E	WM	18	NE NE		0.60	2	Primary
23 S	32 E	WM	18	SE NE		15.00	2	Primary
23 S	32 E	WM	18	NE NW		16.40	2	Primary
23 S	32 E	WM	18	NW NW	1	17.00	2	Primary
23 S	32 E	WM	18	SE NW		0.90	2	Primary
23 S	32 E	WM	18	NW SW	3	5.40	1	Primary
23 S	32 E	WM	18	NW SW	3	2.10	2	Primary

	SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well No	Prim/Supp
23 S	32 E	WM	18	NE NE		40.00	2	Supplemental
23 S	32 E	WM	18	SE NE		25.00	2	Supplemental
23 S	32 E	WM	18	NE NW		25.00	2	Supplemental
23 S	32 E	WM	18	NW NW	1	8.00	2	Supplemental
23 S	32 E	WM	18	SW NW	2	25.00	2	Supplemental
23 S	32 E	WM	18	SE NW		40.00	2	Supplemental
23 S	32 E	WM	18	NE SW		3.70	1	Supplemental
23 S	32 E	WM	18	NE SW		24.97	2	Supplemental
23 S	32 E	WM	18	NW SW	3	15.00	2	Supplemental

Conclusions of Law

The abandoned portion of Certificate 36883 should be cancelled, and the scrivener's errors in Special Order Volume 66, Pages 156 to 160 should be corrected in the record.

Now, therefore, it is ORDERED:

- 1. The order entered at Special Order Volume 66, Pages 156 to 160 is modified as set forth in Fact #5 above.
- 2. All other terms and conditions of the Final Order Approving Change in Place of Use and Point of Diversion recorded at Special Order Volume 66, Pages 156 to 160 remain in full force and effect.
- 3. Water Right Certificate 81560, reflecting the remaining right after the above cancellation and Transfer Applications T-9712, T-9737 and T-9803, was issued correctly on August 24, 2005. Water Right Certificate 81560 remains in full force and effect.

Dated at Salem, Oregon this	29	day of _	JUL	(2010.

Phillip C. Ward, Director

Mailing date: JUL 3 U ZUIU