BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING CHANGE
T-9859, Deschutes County)	IN POINT OF APPROPRIATION AND
)	PLACE OF USE

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

Joseph W. Angel 1001 SE Water Avenue, Suite 450 Portland, OR 97214

Findings of Fact

- 1. On February 9, 2005, Joseph W. Angel filed a transfer application to change the point of appropriation and place of use under Certificate 81534. The Department assigned the application number T-9859. On April 13, 2005 minor revisions to the application and map were submitted.
- 2. The portion of the right to be transferred is as follows:

Certificate: 81534 in the name of Joseph W. Angel, Snow Creek L. L. C., (perfected

under Permit G-12705)

Use: Irrigation of 30.3 acres

Priority Date: August 31, 1992

Quantity: 0.38 cfs

Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: Well #1 in the Deschutes River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	ec 1/4 1/4		Survey Coordinates	
	16	S	11	Е	W.M.	4	NW	SW	1,210 feet S and 910 feet E from the West ¼ corner of Section 4

This is a final order in other than 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 Place of Use:

Township		Rai	nge	Meridian	Sec	1/4 1/4		Acres
16	S	11	Е	W.M.	4	NE	SW	12.1
16	S	11	Е	W.M.	4	NW	SW	18.2

3. Application T-9859 proposes to move the authorized point of appropriation approximately 9 miles from the existing point of appropriation in the Deschutes River basin to:

Tow	nship	Range		Meridian	Sec	1/4 1/4	Survey Coordinates
14	S	11	Е	W.M.	20	NW SW	1,600 feet N and 1,200 feet E from the SW corner of Section 20

4. Application T-9859 proposes to change the place of use of the right to:

Town	nship	ship Range		Meridian	Sec	1/4 1/4	Acres
14	S	11	Е	W.M.	20	NE SW	24.8
14	S	11	Е	W.M.	20	NW SW	0.8
14	S	11	Е	W.M.	20	NW SE	4.7

- 5. 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.
- 6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 8. The proposed change would not result in enlargement of the right.
- 9. The proposed change would not result in injury to other water rights.

Conclusions of Law

The changes in point of appropriation and place of use proposed in application T-9859 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The changes in point of appropriation/place of use proposed in application T-9859 are approved.
- 2. Water right certificate 81534 is cancelled. Certificate 81675 will be issued describing that portion of the right not involved in this transfer.

- 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 Certificate 81534 and any related decree.
- 4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 5. 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.
- 6. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 7. The former place of use of the transferred water shall no longer be irrigated as part of this water right.
- 8. Prior to diverting water at the new point of appropriation, 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.
- 9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 15th day of Alcember, 2005.

For Phillip C. Ward, Director

Mailing date: DEC 2 0 2005