BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-10199, Lake County)	CHANGES IN POINTS 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

BUCKLEY D. and KATHRYN CHURCH PO BOX 787 CHRISTMAS VALLEY OR 97641

Findings of Fact

- 1. On June 14, 2006, Buckley D. and Kathryn Church filed an application to change the point of appropriation and transfer the place of use under a portion of Certificate 75536. The Department assigned the application number T-10199.
- 2. The portion of the right to be transferred is as follows:

Certificate: 75536 in the name of JAMES T. AND RENATE L. PANCAKE (perfected

under Permit G-10043)

Use: IRRIGATION of 38.2 ACRES Priority Date: MARCH 22, 1983

Rate: 0.48 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: WELL #2 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Well	Survey Coordinates	
28 S	16 E	WM	10	NE SE	2	1380 FEET NORTH & 1260 FEET WEST FROM SE CORNER, SECTION 10	

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 Place of Use:

IRRIGATION								
Twp Rng Mer Sec Q-Q Well Acres								
28 S	16 E	WM	10	SE NE	2	38.2		

3. Application T-10199 proposes to change the place of use of the portion of the right transferred to:

Irrigation								
Twp Rng Mer Sec Q-Q Acres								
26 S	18 E	WM	29	SW SE	3.3			
26 S	18 E	WM	32	SW NW	34.9			

4. Application T-10199 also proposes to change the authorized point of appropriation for the portion transferred to Section 29, R26S, R18E approximately 13 miles northeast from the existing point of appropriation to the following location:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates	
26 S	18 E	WM	29	SW SW	1290 feet north and 1260 feet east from the SW	
					Corner of Section 29 (per Certificate 55702)	

and to change the authorized point of appropriation for the portion transferred to Section 32 T26S, R18E approximately 13 miles northeast from the existing point of appropriation to the following location:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates	
26 S	18 E	WM	31	NE NE	1410 feet north and 1320 feet east from the Center 1/4	
					Corner of Section 31 (per Certificate 76942)	

- 5. Notice of the application for transfer was published on June 16, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 6. On September 28, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10199 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on October 3, 2006, and in the Lake County Examiner newspaper on October 12, 19 and 26, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 7. 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.
- 8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 9. The proposed change would not result in enlargement of the right.
- 10. 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-10199 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The changes in point of appropriation and place of use proposed in application T-10199 are approved.
- 2. Water right Certificate 75536 is cancelled. A new certificate 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 75536 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, 2008.** 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 points 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 receive water as part of this right.
- 8. Prior to diverting water at the new points 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 portion of the right transferred will be issued.

I	Dated at Salem, Oregon this	_ 30 day of _	November	2006
	Deblie Colber			
Fri	Phillip C. Ward, Director			

Mailing date: DEC 0 4 2006