

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

In the Matter of Transfer Application T-7984,	)	RECONSIDERATION OF A FINAL
Lake County	)	ORDER RECORDED IN SPECIAL
	)	ORDER VOLUME 121, PAGES 25-28,
	)	WITHDRAWING A FINAL ORDER AND
	)	ISSUING A SUPERSEDING FINAL
	)	ORDER REVERSING A LOSS OF RIGHT

**Authority**

Oregon Administrative Rule 690-380-6010(2) provides that any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for change in use or place of use, or within any extension of time allowed for completion, is lost.

**Applicant**

KETCHAM LIVING TRUST  
91119 DOG LAKE LANE  
LAKEVIEW, OR 97630

**Findings of Fact**

1. On April 22, 1998, CHARLES H. KRISOR filed an application to change the place of use under Certificates 51012, 62677, and 76813. The Department assigned the application number T-7984.
2. On December 19, 2001, Transfer Application T-7984 was approved and the order is recorded in Special Order Volume 55, Page 1349. Certificates 51012, 62677, and 76813 were cancelled and the rights are considered inchoate.
3. The Final Order set a date of OCTOBER 1, 2003 for the changes to be completed. The Claim of Beneficial Use was due OCTOBER 1, 2004.

**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 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.

4. On October 13, 2003, the Department approved an extension of time for Transfer Application T-7984 to October 1, 2004.
5. On November 30, 2020, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on a Transfer is not received. The Department requested a response by December 31, 2020. The certified mailing was returned to sender, unable to forward.
6. On January 4, 2021, the Department received a signed certified mailing card.
7. As of January 26, 2021, the Department had not received any further response to the incomplete transfer.
8. As of April 19, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water had been filed with the Department.
9. On July 14, 2021, the Department issued a Final Order (Special Order Volume 121, Page 25), approving a loss of right due to failure to apply water to beneficial use under the terms of an order approving T-7984.
10. On August 6, 2021, on behalf of the applicant, Darryl Anderson of Anderson Engineering and Surveying, submitted a Request for Reconsideration in accordance with OAR 137-004-0080.
11. On August 23, 2021, the Department approved an assignment from CHARLES H. KRISOR to KETCHAM LIVING TRUST.
12. On August 24, 2021, the applicant's agent indicated they are prepared to submit their Claim of Beneficial Use.
13. On September 1, 2021, the Department issued a Notice of Reconsideration of Final Order on Transfer Application T-77984, to reverse the loss of right and to allow the applicant to submit the Claim of Beneficial Use.


#### **Conclusions of Law**

The conclusions of law in the July 14, 2021 Final Order recorded in Special Order Volume 121, page 25 are incorporated herein.

**Now, therefore, it is ORDERED:**

This Final Order supersedes the July 14, 2021 Final Order, recorded in Special Order Volume 121, page 25, which is of no further force or effect.

Dated in Salem, Oregon on SEP 27 2021

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date: SEP 28 2021

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