

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application T-9342,        )  
Change in Point of Appropriation,                )  
Crook County    )

FINAL ORDER

**Authority**

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 15 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications submitted prior to July 1, 2003.

**Findings of Fact**

1. Pursuant to ORS 540.520,

James F. & Carol Wampler, Kenneth D. & Janis A. Werth  
2490 SW Williams Road  
Powell Butte OR 97753

submitted a transfer application to the Oregon Water Resources Department to add a point of appropriation to an existing water right. The application was received on February 10, 2003. The Department assigned the transfer application number T-9342.

2. The Department's weekly publication noticed submission of T-9342 on February 25, 2003; no comments were received.
3. T-9342 proposes to modify the following water right:

Certificate: 79681 issued in the name of Wampler and Werth Farms  
Use: Irrigation  
Priority Date: December 11, 1978  
Quantity: 0.25 cfs  
Acres: 20  
Rate & Duty: one-eightieth of one cfs per acre and a maximum of 3.0 acre-feet per acre  
Source: Five wells in the Crooked River Basin

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in an uncontested 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Points of Appropriation (Willamette Meridian)					
Township	Range	Section	Lot	Q-Q	Coordinates
15S	14E	11		SW SE	980 feet N & 1950 feet W of SE corner Sec 11
15S	14E	11		NE SW	2550 feet N & 2550 feet E of SW corner Sec 11
15S	14E	11		SW NE	2060 feet S & 2600 feet W of NE corner Sec 11
15S	14E	11		SW SE	1090 feet N & 1480 feet E of SE corner Sec 11
15S	14E	11		NE SW	2370 feet N & 2550 feet E of SW corner Sec 11

Authorized Place of Use (Willamette Meridian)					
Township	Range	Section	Lot	Q-Q	Acres
15S	14E	11		NW SE	5.6
15S	14E	11		SW SE	14.4

4. T-9342 proposes to change the point of appropriation as follows:

Willamette Meridian					
Township	Range	Section	Lot	Q-Q	Coordinates
15S	14E	11		SW SE	1232 feet N & 2345 feet W of SE corner Sec 11

4. 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.
5. 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.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

#### Conclusions of Law

The change proposed in T-9342 complies with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000, and the Department finds that no injury to existing water rights would result from this transfer.

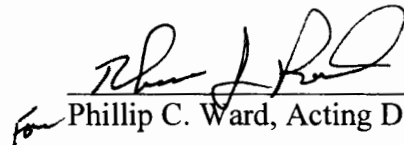
#### Now, therefore, it is ORDERED:

The change proposed in T-9342 is approved, subject to the following conditions.

1. 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 79681 and any related decree.

2. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
3. The proposed change shall be completed on or before October 1, 2005.
4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available for this portion of the right at the original point of appropriation.
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. Certificate 79681 is cancelled; Certificate 80689 shall be issued to confirm the remaining rights.
8. When satisfactory proof of the completed change is received, a new certificate confirming the transferred water rights shall be issued.

WITNESS the signature of the Water Resources Director, affixed July 26, 2004.

  
for Phillip C. Ward, Acting Director

Mailing date: JUL 30 2004