

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

In the Matter of Transfer Application)
T-11384, Deschutes County)

ORDER REVERTING AN ADDITIONAL
POINT OF APPROPRIATION

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Applicant

KEN & CAROL FACKLER
2110 WISTERIA DRIVE
HIXSON, TN 37343

Findings of Fact

1. On March 27, 2012, Ken and Carol Fackler filed an application to add a point of appropriation under a portion of Certificate 83456. The Department assigned the application number T-11384.
2. On July 2, 2013, the Water Resources Department issued an order approving the proposed additional point of appropriation. The order was recorded in Special Order Volume 89, Page 1144.
3. On July 29, 2019, Carol Fackler notified the Department that the additional point of appropriation change authorized under T-11384 would not be completed for 3.8 acres of irrigation that was included in the transfer. The applicant requested that the authorized additional point of appropriation revert back to the original point of appropriation for the following lands:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
16 S	11 E	WM	4	SE SW	2.7
16 S	11 E	WM	4	NW SE	0.6
16 S	11 E	WM	9	NE NW	0.5
Total:					3.8

This is a final 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. Pursuant to OAR 690-380-6010(6), if an approved point of appropriation change is not completed it shall revert to the last authorized point of appropriation prior to the transfer.

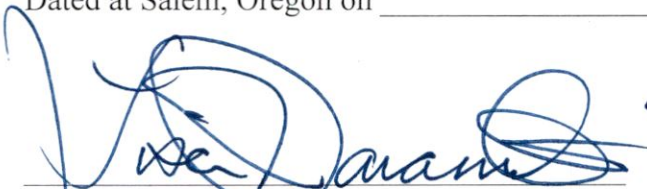
Conclusion of Law

The reversion of the additional point of appropriation authorized under Transfer Application T-11384 to the point of appropriation authorized under Certificate 83456 prior to the transfer is consistent with OAR 690-380-6010(6). A superseding certificate for the right affected by the transfer shall be issued.

Now, therefore, it is ORDERED:

1. The additional point of appropriation authorized under Transfer Application T-11384 for the lands described in Finding of Fact #3 under the right described by Certificate 83456 is reverted to the point of appropriation authorized under the water right prior to the transfer.
2. A superseding certificate shall be issued to describe that portion of Certificate 83456 approved for an additional point of appropriation by Transfer Application T-11384 that is reverted to the point of appropriation authorized under the water right prior to the transfer.
3. All other terms and conditions of Special Order Vol. 89, pages 1144 - 1147 remain unchanged.

Dated at Salem, Oregon on **AUG 06 2019**.



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

Mailing date: **AUG 07 2019**