BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-9067, Yamhill County)	ADDITIONAL POINT OF
)	APPROPRIATION

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

R & B Kauer Properties, LLC 7325 SE Amity-Dayton Highway Amity, Oregon 97101

Findings of Fact

- R & B Kauer Properties, LLC, filed an application for an additional point of appropriation under Certificate 42982. The Department assigned the application number T-9067.
- 2. The right to be transferred is as follows:

Certificate:

42982 in the name of Raymond C. Kauer

Use:

Irrigation

Priority Date: January 11, 1973

Quantity:

1.58 cubic feet per second (cfs), being 0.82 cfs from Well 1 and 0.76 cfs

Rate/Duty:

1/80 cfs per acre, not to exceed 2.5 acre-feet per acre

Acres:

126.5 acres

Source:

Two wells in the West Branch Palmer Creek Basin

Authorized Points of Appropriation:

Town	nship	Range		Meridian	Sec	1/4	1/4	DLC	Survey Coordinates
4	S	4	w	W.M.	25	NE	SE	62	Well 1 – 1450 feet North and 580 feet West from the SE Corner of Section 25.
4	S	4	w	W.M.	25	SE	NE	62	Well 2 – 3250 feet North and 600 feet West from the SE Corner of Section 25.

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

Authorized Place of Use:

Well 1

Township		Range		Meridian	Sec	1/4 1/4		DLC	Acres
4	S	3	W	W.M.	30	NW	SW	55	0.8
4	S	4	W	W.M.	25	NE	SE	62	17.4
4	S	4	W	W.M.	25	NW	SE	62	2.4
4	S	4	W	W.M.	25	SW	SE	62	5.6
4	S	4	W	W.M.	25	SE	SE	62	31.2
4	S	4	W	W.M.	36	NE	NE	62	6.5
4	S	4	W	W.M.	36	NW	NE	62	1.7

Well 2

Town	Township		nge	Meridian	Sec	1/4 1/4		DLC	Acres
4	S	3	W	W.M.	30	SW	NW	55	8.1
4	S	3	W	W.M.	30	NW	SW	55	5.0
4	S	4	W	W.M.	25	SW	NE	62	2.8
4	S	4	W	W.M.	25	SE	NE	62	19.3
4	S	4	W	W.M.	25	NE	SE	62	22.5
4	S	4	W	W.M.	25	NW	SE	62	3.2

3. Application T-9067 proposes to add the following authorized points of appropriation to the existing points of appropriation in the West Branch Palmer Creek basin:

Township		Range		Meridian	Sec	1/4 1/4		DLC	Survey Coordinates
4	S	4	w	W.M.	25	NE	SE	62	Well 1 – 1450 feet North and 580 feet West from the SE Corner of Section 25.
4	s	4	w	W.M.	25	SE	NE	62	Well 2 – 3250 feet North and 600 feet West from the SE Corner of Section 25.
4	S	4	w	W.M.	25	NE	SE	62	Well 3 – 1450 feet North and 25 feet West from the SE Corner of Section 25.

- 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. Pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing right are 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 additional points of appropriation proposed in application T-9067 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 additional points of appropriation proposed in application T-9067 are approved.
- 2. Water right certificate 42982 is cancelled.
- 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 42982 and any related decree.
- 4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
- 5. The approved change shall be completed and full beneficial use of 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 additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
- 7. Prior to diverting water at the additional points of appropriation, the water user shall install and maintain in-line flow meters or other suitable devices 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.

8.	When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.
Date	ed at Salem, Oregon this 24th day of Jebruau, 2006.
FA Dire	ip C. Ward

Mailing date: FEB 2 7 2006