

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

In the Matter of Transfer Application                    )     **FINAL ORDER APPROVING A**  
T-12025, Washington County                            )     **CHANGE IN PLACE OF USE**

**Authority**

Oregon Revised Statutes (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. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

JEAN A. JONES, TRUSTEE  
2756 SW GOLF COURSE RD  
CORNELIUS, OR 97113

**Receiving Landowner**

COLUMBIA LAND TRUST  
1351 OFFICERS ROW  
VANCOUVER WA 98661

**Findings of Fact**

1. On April 7, 2015, JEAN A. JONES, TRUSTEE, filed an application to change the place of use under Certificate 23300. The Department assigned the application number T-12025.
2. COLUMBIA LAND TRUST is the receiving landowner and together with the applicant will be responsible for completion of the changes.
3. Notice of the application for transfer was published on APRIL 14, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On November 16, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12025 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 16, 2015, for the applicant to respond. The deadline was later extended by request of the applicant. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

5. On February 8, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12025 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 16, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The portion of the right to be transferred is as follows:

**Certificate:** 23300 in the name of E. A. SCHOLZ; LILLIAN I. GALLOWAY, and MARVIN H. KRAHMER (perfected under Permit S-12315)  
**Use:** IRRIGATION of 6.5 ACRES  
**Priority Date:** AUGUST 18, 1936  
**Rate:** 0.08 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** TUALATIN RIVER, a tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot
1 S	3 W	WM	3	SE SW	3

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
1 S	3 W	WM	3	SW SE	2	0.8
1 S	3 W	WM	10	NE NE	5	1.2
1 S	3 W	WM	10	NW NE		4.5
Total:						6.5

7. Certificate 23300 does not describe the measured distances of the authorized point of diversion, however the applicant and Certified Water Right Examiner (CWRE) have provided additional information further describing the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
1 S	3 W	WM	3	SE SW	3	212.42 FEET SOUTH AND 1269.87 FEET EAST FROM THE NE CORNER OF CHRISTIAN EMERICK DLC 48

8. Transfer Application T-12025 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
1 S	3 W	WM	10	SW NW	2	4.2
1 S	3 W	WM	10	NW SW	3	2.3

**Transfer Review Criteria [OAR 690-380-4010(2)]**

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12025.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

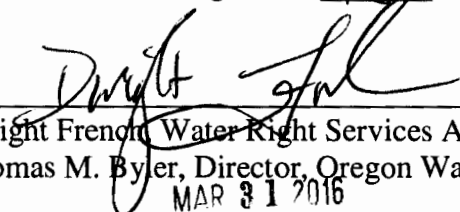
**Conclusions of Law**

The change in place of use proposed in Transfer Application T-12025 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in place of use proposed in Transfer Application T-12025 is approved.
2. The right to the 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 23300 and any related decree.
3. Water right Certificate 23300 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred rights shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 18 day of March, 2016.

  
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Dwight Frenott, Water Right Services Administrator, for  
Thomas M. Byler, Director, Oregon Water Resources Department  
MAR 31 2016

Mailed: \_\_\_\_\_