

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

In the Matter of Transfer Application	)	FINAL ORDER
T-9890, Marion County	)	APPROVING ADDITIONAL POINTS OF
	)	APPROPRIATION AND CHANGE IN
	)	PLACE OF USE

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**

Louis F. Doubrava  
c/o Tom DeArmond  
11463 Broadacres Road NE  
Hubbard, Oregon 97032

**Findings of Fact**

1. On March 21, 2005, Louis Doubrava filed a transfer application to add new points of appropriation and change the place of use under Certificate 46330. The Department assigned the application number T-9890.
2. The portion of the right to be transferred is as follows:

**Certificate:** 46330 in the name of Louis F. Doubrava (perfected under Permit G-4925)

**Use:** Irrigation of 12.0 acres

**Priority Date:** May 13, 1971

**Quantity:** 0.13 cubic feet per second (cfs)

**Rate/Duty:** 1/80th cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** Well in the Mill Creek Basin

**Authorized Point of Appropriation:**

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
4	S	1	W	W.M.	27	SW SW	-- 70 550 feet N. and 1,020 feet E. from SW corner of Sec. 27

**Authorized Place of Use:**

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
4	S	1	W	W.M.	27	SW SW	-- 70 11.8

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 137-004-0080 you may either 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.

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
4	S	1	W	W.M.	34	NW	NW	--	70	0.2

3. Application T-9890 proposes to add four authorized points of appropriation, with the farthest point approximately 1.9 miles from the existing point of appropriation in the Mill Creek basin to:

Well	Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
1	4	S	1	W	W.M.	32	SE	NW	--	--	60 ft. N and 1,950 ft. E from W ¼ corner of Sec. 32
2	4	S	1	W	W.M.	32	SE	NW	--	--	980 ft. N and 1,650 ft. E from W ¼ corner of Sec. 32
7	4	S	1	W	W.M.	33	NW	NW	--	--	770 ft. N and 250 ft. E from NE corner DLC 56
8	4	S	1	W	W.M.	32	NE	NW	--	--	1,350 ft. N and 1,860 ft. E from W ¼ corner of Sec. 32

4. Application T-9890 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
4	S	1	W	W.M.	32	SW	NW	--	--	0.6
4	S	1	W	W.M.	32	NW	SW	--	--	11.4

5. 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.
6. 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.
9. A permit for nursery use (Application No. G-16011) has its place of use in the same ¼ ¼ section as the proposed place of use under T-9890. The season of use for G-16011 is November 1 – May 31 and overlaps the period of use under T-9890 during March 1-May 31. However, nursery use and irrigation use are considered separate uses that may be allowed appurtenant to the same land without constituting a water right conflict.
10. The proposed change would not result in injury to other water rights.

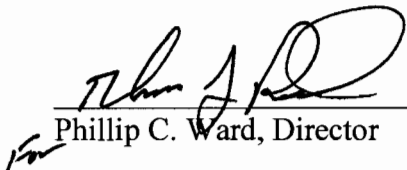
### Conclusions of Law

The changes in point of appropriation and place of use proposed in application T-9890 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 changes in point of appropriation and place of use proposed in application T-9890 are approved.
2. Water right certificate 46330 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
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 46330 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed change shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
8. The former place of use of the transferred water shall no longer be irrigated as part of this water right.
9. 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.
10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 3<sup>rd</sup> day of August, 2005.

  
Phillip C. Ward, Director

Mailing date: AUG 05 2005