

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-10067, Douglas County) **CHANGE IN POINT OF DIVERSION**

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 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

DORMAN AND MICKI TREADWAY
8202 TYEE RD
UMPQUA OR 97486

Findings of Fact

Background

1. On January 12, 2006, Dorman and Micki Treadway filed a transfer application to change the point of diversion under Certificate 50485. The Department assigned the application number T-10067.

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

Certificate: 50485 in the name of JOHN J. THENNES (perfected under Permit S-23154)

Use: IRRIGATION of 1.1 ACRES

Priority Date: AUGUST 12, 1954

Rate: 0.01 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: UMPQUA RIVER, tributary to PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
25 S	7 W	WM	9	SW SW	5	1380 FEET SOUTH AND 1020 FEET EAST FROM THE W1/4 CORNER OF SECTION 9
25 S	7 W	WM	8	NW SE	7	750 FEET SOUTH AND 1620 FEET WEST FROM THE W1/4 CORNER OF SECTION 9

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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 137-004-080 and OAR 690-01-005, 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.

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	7 W	WM	9	NW SW	5	1.1

3. Transfer Application T-10067 proposes to move the authorized point of diversion approximately 500 feet downstream from the authorized points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
25 S	7 W	WM	9	NW SW	5	SOUTH 29 DEGREES 3 MINUTES 21 SECONDS EAST 1413.96 FEET FROM THE E1/4 CORNER OF SECTION 8

4. Notice of the application for transfer was published January 24, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. On April 13, 2007, the Department issued a preliminary determination proposing to approve Transfer Application T-10067 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published in the Department's weekly notice on April 17, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.
6. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.
7. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. 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-10067.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Conclusions of Law

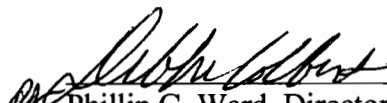
The change in point of diversion proposed in Transfer Application T-10067 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in Transfer Application T-10067 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 50485 and any related decree.
3. Certificate 50485 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. 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.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 24th day of May, 2007.


Phillip C. Ward, Director

Mailing date: MAY 29 2007