

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

In the Matter of Transfer Application)
T-12921, Clackamas County, Oregon)
)
) FINAL ORDER APPROVING
) TEMPORARY CHANGES IN PLACE
) OF USE.

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion or appropriation 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

DICKMAN FARMS
ATTN: MARK DICKMAN
15829 MT ANGEL SCOTTS MILL NE
SILVERTON, OR 97381

Findings of Fact

1. On May 14, 2018 , DICKMAN FARMS, ATTN: MARK DICKMAN, filed an application to temporarily change the place of use under Certificates 74653, 74654, 84068 and 89069 for a period of 5 years. The Department assigned the application number T-12921.
2. Notice of the application for Temporary Transfer was published on May 22, 2018, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 11, 2018 the Department contacted the applicant regarding a deficiency with the application. The applicant submitted documentation by email to satisfy the deficiency.
4. The first right to be transferred is as follows:

Certificate: 74653 in the name of H L "CASEY" JONES AND MARJORIE E. JONES
(perfected under Permit S-49627)

Use: IRRIGATION of 3.5 acres

Priority Date: JANUARY 15, 1986

Quantity: 0.04 CUBIC FOOT PER SECOND (cfs)

Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: BUTTE CREEK, tributary of the PUDDING RIVER

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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 E	WM	8	NE NW	41	640 FEET SOUTH AND 480 FEET WEST FROM THE N1/4 CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	8	NW NE	41	3.50

5. Temporary Transfer Application T-12921 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	8	NW NE	41	3.50

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

Certificate: 74654 in the name of H L "CASEY" JONES AND MARJORIE E. JONES
(perfected under Permit S-12393)

Use: IRRIGATION of 3.5 acres

Priority Date: SEPTEMBER 29, 1936

Quantity: 0.04 CUBIC FOOT PER SECOND (cfs)

Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: BUTTE CREEK, tributary of the PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	1 E	W.M.	8	NE NW	41

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	8	NW NE	41	3.50

7. Temporary Transfer Application T-12921 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	8	NW NE	41	3.50

8. The third right to be transferred is as follows:

Certificate: 84068 in the name of H. L. "CASEY" JONES AND MARJORIE E. JONES
(perfected under Permit S-12393)

Use: IRRIGATION of 11.8 ACRES

Priority Date: SEPTEMBER 29, 1936

Rate: 0.15 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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: BUTTE CREEK, tributary of the PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 E	WM	8	NE NW	41	640 FEET SOUTH AND 2250 FEET EAST FROM THE NW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	8	NW NE	41	5.6
6 S	1 E	WM	8	SW NE	41	6.2
Total						11.8

9. Temporary Transfer Application T-12921 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DL	Acres
6 S	1 E	WM	8	NW NE	41	7.2
6 S	1 E	WM	8	NE NW	41	4.6
Total						11.8

10. The fourth right to be transferred is as follows:

Certificate: 89069 in the name of H L "CASEY" AND MARJORIE E. JONES
(perfected under Permit S-49627)

Use: IRRIGATION of 11.8 ACRES

Priority Date: JANUARY 15, 1986

Rate: 0.15 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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: BUTTE CREEK, tributary of the PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 E	WM	8	NE NW	41	640 FEET SOUTH AND 480 FEET WEST FROM THE N1/4 CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DL	Acres
6 S	1 E	WM	8	NW NE	41	7.2
6 S	1 E	WM	8	NE NW	41	4.6
Total						11.8

11. Temporary Transfer Application T-12921 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DL	Acres
6 S	1 E	WM	8	NW NE	41	7.2
6 S	1 E	WM	8	NE NW	41	4.6
Total						11.8

12. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.

14. The proposed change would not result in enlargement of the rights.

15. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water rights.

Conclusions of Law

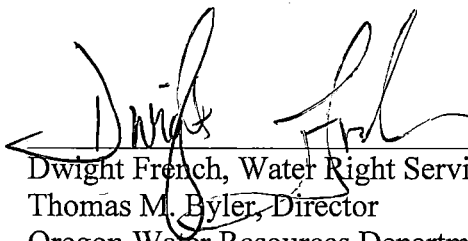
The temporary change in place of use proposed in Temporary Transfer Application T-12921 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Temporary Transfer Application T-12921 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2018, 2019, 2020, 2021 and 2022 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2022 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. A subsequent application for permanent transfer of Certificates 74653, 74654, 84068, and 89069 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 74653, 74654, 84068, and 89069.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
9. The use of the remaining water right described by Certificate 74654 shall continue to be in accordance with the terms and conditions of Certificate 74654.

Dated at Salem, Oregon this AUG 23 2018



Dwight French, Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: AUG 23 2018