

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

In the Matter of Transfer Application)
T-7821, Wasco County) **FINAL ORDER**
)

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

Wasco County
Wasco County Courthouse
511 Washington Street
The Dalles, Oregon 97058

Findings of Fact

1. Wasco County filed an application to transfer the place of use and character of use under Certificate 68382 and Special Order Volume 48, Page 201, entered June 10, 1994, approving Transfer Application T-6975. The Department assigned the application number T-7821.
2. The portion of the rights to be transferred are as follows:

Certificate: 68382 in the name of Wasco County
Use: Irrigation
Priority Date: November 23, 1956
Quantity: 0.002 cubic foot per second
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Acres: 0.1 acre
Source: A spring, tributary to the Columbia River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
2	N	13	E	W.M.	17	NE	SE	1		

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
2	N	13	E	W.M.	16	NW	SW	2		0.1

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.

Right to be

Transferred: Transfer T-6975, in the name of Wasco County, approved June 10, 1994, recorded at Special Order Volume 48, Page 201.

Use: Irrigation

Priority Date: November 23, 1956

Quantity: 0.018 cubic foot per second

Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre

Acres: 1.5 acre

Source: A spring, tributary to the Columbia River

Authorized Point of Diversion:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
2	N	13	E	W.M.	17	NE SE	1		

Authorized Place of Use:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
2	N	13	E	W.M.	16	NW SW	2		0.6
2	N	13	E	W.M.	16	SW SW	1		0.9

3. Application T-7821 proposes to change the place of use of the rights to:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
2	N	13	E	W.M.	16	NW SW	2		
2	N	13	E	W.M.	17	NE SE	1		

4. Application T-7821 proposes to change the character of use to pond maintenance for fish and wildlife habitat.

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. Proof to the satisfaction of the director has been received for Transfer Application T-6975.

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

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.

Conclusion of Law

The changes in place of use and character of use in application T-7821 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

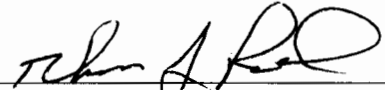
Now, therefore, it is ORDERED:

1. The changes in place of use and character of use proposed in application T-6975 are approved.
2. Water right certificate 68382 is cancelled. A new certificate will be issued describing that portion of that right not involved in this transfer.
3. 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 68382 and in Special Order Volume 48, Page 201, entered June 10, 1994, approving T-6975, and any related decree.
4. The proposed changes shall be completed on or before October 1, 2006.
5. 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.
6. The use of water for pond maintenance under the right described by Certificate 68382 shall be limited to a rate of diversion of 0.002 cubic foot per second and shall not exceed 0.30 acre feet during the irrigation season of each year.
7. The use of water for pond maintenance under the right described by Special Order Volume 48, Page 201, shall be limited to a rate of diversion of 0.018 cubic foot per second and shall not exceed 4.5 acre feet during the irrigation season of each year.
8. The former places of use shall no longer be irrigated as part of these water rights.
9. 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 the beginning of construction and shall be installed under the general supervision of the Department. The water user shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used under each right for each month and shall submit a report by December 31 of each year, which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the permit.

The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 20th day of October, 2004.


Phillip C. Ward
Acting Director

Mailing Date: NOV 05 2004