

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

In the Matter of Transfer Application)
T-10042, Linn and Marion Counties)
) **FINAL ORDER APPROVING**
) **TEMPORARY CHANGE IN PLACE OF**
) **USE**

ORS 540.505 to 540.580 establishes 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

SANTIAM WATER CONTROL DISTRICT
11371 DIECKMAN LANE SE
AUMSVILLE OR 97325

Findings of Fact

1. On 12-15-2005, Santiam Water Control District filed a transfer application to temporarily change the place of use under Certificate 68665 for a period of five years. The Department assigned the application number T-10042.
2. The portion of the right to be transferred is as follows:

Certificate: 68665 in the name of SANTIAM WATER CONTROL DISTRICT (confirmed by North Santiam River decree)
Use: IRRIGATION of 10.8 ACRES
Priority Date: MAY 14, 1909
Rate: 0.14 CUBIC FOOT PER SECOND
Limit/Duty: 1/80th cfs per acre, not to exceed 2.5 acre-feet per acre per year
Source: NORTH SANTIAM RIVER, tributary to SANTIAM RIVER

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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 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 Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
9 S	1 W	WM	11	SW SE	2	1800 FEET SOUTH AND 2830 FEET EAST FROM THE W1/4 CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	2 W	WM	17	SE SW	5.1
8 S	2 W	WM	20	NE NW	5.7

- Application T-10042 proposes to change the place of use of the right to:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	2 W	WM	17	SW SW	3.1
8 S	2 W	WM	18	NE SE	0.9
8 S	2 W	WM	18	NW SE	1.2
8 S	2 W	WM	18	SE SE	1.8
8 S	2 W	WM	20	NW NW	3.8

- Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000.
- 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 rights are subject to forfeiture under ORS 540.610.
- A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- 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 right.

Conclusions of Law


The temporary change in place of use in application T-10042 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- The change in place of use proposed in T-10042 is approved.
- The former place of use shall not be irrigated as part of this water right during the 2006, 2007, 2008, 2009 and 2010 irrigation seasons.
- The use shall revert to the authorized place of use at the end of the 2010 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 Certificate 68665 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 Certificate 68665 and any related decree.
7. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The use of the remaining water right described by Certificate 68665 shall continue to be in accordance with the terms and conditions of Certificate 68665.

Dated at Salem, Oregon this 17th day of March 2006.

fm 
Phillip C. Ward, Director

Mailing Date MAR 21 2006