BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	
T-8196, Marion 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

Paul Kraemer 13523 Marquam Road NE Mt. Angel, Oregon 97362

Findings of Fact

- 1. Paul Kraemer filed an application to transfer the place of use under Certificate 22396. The Department assigned the application number T-8196.
- 2. The portion of the right to be transferred is as follows:

Certificate: 22396 in the name of William and Lottie Delangh

Use: Irrigation
Priority Date: April 8, 1953

Quantity: 0.05 cubic foot per second

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

Acres: 3.8 acres

Source: Abiqua Creek, tributary to the Pudding River

Authorized Point of Diversion:

Tow	nship	Range		Meridian	Sec	1/4 1/4		Lot DLC		Survey Coordinates	
6	S	1	W	W.M.	24	NE	SW		50		

Authorized Place of Use:

Tov	nship	Range		Meridian	Sec	1/4 1/4		Lot	DLC	Acres
6	S	1	W	W.M.	24	SE	NW		50	3.8

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

3. Application T-8196 proposes to change the place of use of the right to:

Town	nship	Range		Meridian	Sec	1/4 1/4		1/4 1/4		Lot	DLC	Acres
6	S	1	W	W.M.	24	NW	NE		50	2.3		
6	S	1	W	W.M.	24	SE	NW		50	1.5		

- 4. 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.
- 5. 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.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed change in place of use in application T-8196 is consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The change place of use proposed in application T-8196 is approved.
- 2. Water right certificate 22396 is cancelled. A new certificate will be issued describing that portion of the 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 22396 and any related decree.
- 4. The proposed change 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 former place of use shall no longer be irrigated as part of this water right.

7	7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.
آ آست	Dated at Salem, Oregon this/3 day of, 2005. Phillip C. Ward Director