# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	
T-8988, Marion County	)	FINAL ORDER
	)	

ORS 537,705 and 540,505 to 540,580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

F. John Rissburger 22120 Butteville Road NE Aurora, Oregon 97002

### **Findings of Fact**

- 1. F. John Rissburger filed an application to transfer the character of use under Certificate 76413. The Department assigned the application number T-8988.
- The right to be transferred is as follows:

Certificate:

76413 in the name of F. John Rissburger

Use:

Irrigation Priority Date: June 16, 1972

Quantity:

0.5 cubic foot per second

Rate/Duty:

1/80 cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation

season of each year.

Acres:

40.0 acres

Source:

Wells1 and 2 in the Deer Creek Basin

## **Original Point of Appropriation:**

Tow	nship	Range		Meridian	Sec	1/4 1/4		1/4 1/4		c 1/4 1/4		Lot	DLC	Survey Coordinates
4	S	1	W	W.M.	8	8 NW SE		8 NW SE			43	1780 feet North and 870 feet East from the South ¼ Corner of Section 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.

# **Authorized Points of Appropriation:**

Township		ip Range		Meridian	Sec	1/4 1/4		1/4 1/4		Lot	DLC	Survey Coordinates
4	S	1	w	W.M.	8	SE NW		SE NW			42	Well 1 – 60 feet North and 2320 feet East from the West 1/4 Corner of Section 8
4	S	1	w	W.M.	8	SE	SE NW		42	Well 2 – 600 feet North and 2180 feet East from the West 1/4 Corner of Section 8		

### **Authorized Place of Use:**

Town	Township Ran		nge	Meridian	Sec	1/4 1/4		Lot	DLC	Acres
4	S	1	W	W.M.	8	SW	NE		42	19.7
4	S	1	W	W.M.	8	SE	NE		42	7.5
4	S	1	W	W.M	8	SE	NW		42	9.8
4	S	1	W	W.M.	8	NE	SW		42	2.1
4	S	1	W	W.M.	8	NW	SE		42	0.9

- 3. Application T-8988 proposes to change the character of use to nursery use.
- 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. The application includes a notarized statement from Sheryl A. Rissberger, co-owner of the property, which gives permission for the change to take place.
- 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. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 8. The proposed change would not result in enlargement of the right.
- 9. The proposed change would not result in injury to other water rights.

#### Conclusions of Law

The change in character of use proposed in application T-8988 is 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 change in character of use proposed in application T-8988 is approved.
- 2. Water right certificate 76413 is cancelled.
- 3. The right to 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 76413 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 use of water for nursery use shall be limited to 0.5 cubic foot per second and shall not exceed 100.0 acre feet during the irrigation season, March 1 to October 31, of each year.
- 7. Prior to diverting water for the proposed use, the water user shall install and maintain an inline flow meter or other suitable device for measuring and recording the quantity of water appropriated. 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.
- 8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 14th day of April	, 2005.
That Re	
Phillip C. Ward	
Director	

Mailing date: APR 2 0 2005

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