

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

In the Matter of Transfer Application            )     FINAL ORDER  
T-12598, Polk County                            )     APPROVING A CHANGE IN  
  )     CHARACTER OF USE

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

CRANFORD LAND CO.  
PO BOX 19643  
PORTLAND, OR 97280

**Findings of Fact**

1. On February 21, 2017, Cranford Land Co. filed an application to change the character of use under Certificate 83164. The Department assigned the application number T-12598.
2. Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 12, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12598 and sent a copy to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 12, 2017, for the applicant to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination on May 1, 2017 and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
4. On May 11, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12598 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 16, 2017, and in the Polk County Itemizer-Observer newspaper on May 17 and 24, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

5. The right to be transferred is as follows:

**Certificate:** 83164 in the name of VIRGEL L. CLARK (perfected under Permit R-9389)  
**Use:** STORAGE FOR RECREATION  
**Priority Date:** JULY 29, 1983  
**Maximum Storage Volume:** 0.7 ACRE FOOT EACH YEAR  
**Source:** RUNOFF AND INTERMITTENT SPRINGS

**The dam is located as follows:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	5 W	WM	6	SE NW	39	60 FEET SOUTH AND 1630 FEET EAST FROM THE NW CORNER OF DLC 39

**The point of diversion is located as follows:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	5 W	WM	6	SE NW	39	65 FEET SOUTH AND 1730 FEET EAST FROM THE NW CORNER OF DLC 39

**Authorized Place of Use:**

STORAGE FOR RECREATION					
Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	5 W	WM	6	SE NW	39

6. Transfer Application T-12598 proposes to change the character of use to multipurpose storage.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

- 7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 8. A dam structure sufficient to store the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12598.
- 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.


**Conclusions of Law**

The change in character of use proposed in Transfer Application T-12598 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in character of use proposed in Transfer Application T-12598 is approved.
2. 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 83164 and any related decree.
3. Water right Certificate 83164 is cancelled.
4. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
5. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28 day of June, 2017.

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

Mailing date: JUN 30 2017