# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12154, Marion County	)	A DISTRICT PERMANENT
	)	TRANSFER

## Authority

ORS 540.570 to 540.580 establishes the process in which a district may submit a request to transfer a water right within district boundaries. OAR Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

## **Applicant**

SANTIAM WATER CONTROL DISTRICT 284 E WATER ST STAYTON, OR 9 7383

## **Findings of Fact**

- 1. On August 31, 2015, SANTIAM WATER CONTROL DISTRICT filed an application to change the place of use under Certificates 52798, 85457, and 54286. The Department assigned the application number T-12154.
- 2. Notice of the application for transfer was published on September 15, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. The portion of the first right to be transferred is as follows:

Certificate: 52798 in the name of IRVIN A. AND MAE KREGER FOR SANTIAM

WATER CONTROL DISTRICT (perfected under Permit E-82)

Use: IRRIGATION of 0.1 ACRES

Priority Date: MAY 14, 1909

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation

season of each year.

Source: NORTH SANTIAM RIVER, a tributary of the SANTIAM RIVER

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 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:**

Т	wp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
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 DLC Acres Water User Notice										
9 S	2 W	WM	8	NW SW	Cornelius 38	0.10	Mae Kreger Trust	1-151		

4. Transfer Application T-12154 proposes to change the place of use of the right to:

# Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
9 S	2 W	WM	7	NE SE	1600	0.10	Mae Kreger Trust	1-152

5. The portion of the second right to be transferred is as follows:

Certificate: 54286 in the name of FRANK H SPEARS, ET AL (confirmed by North

Santiam River Decree)

Use: IRRIGATION of 22.6 ACRES

Priority Date: MAY 14, 1909

Limit/Duty: To compensate for losses between the point of diversion to the place of use,

an additional amount not exceeding ten percent is allowed. This right shall be subject to all other conditions and limitations contained in said Decree.

Source: NORTH SANTIAM RIVER, tributary to the SANTIAM RIVER

#### **Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	1 W	WM	11	SW SE	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	DLC	Acres	Water User	Notice				
7 S	3 W	WM	25	SW SE	78	1.0	Frank H Spears et al	2-151				
7 S	3 W	WM	25	SE SE	78	1.2	Frank H Spears et al	2-151				
7 S	3 W	WM	36	NE NE	78	4.9	Frank H Spears et al	2-152				
7 S	3 W	WM	36	NW NE	78	8.7	Frank H Spears et al	2-152				
7 S	3 W	WM	36	SW NE	78	2.0	Frank H Spears et al	2-153				
7 S	3 W	WM	36	SE NE	78	4.8	Frank H Spears et al	2-153				
	****				Total	22.6						

6. Transfer Application T-12154 proposes to change the place of use of the right to:

**Proposed Place of Use:** 

Tiopo	Toposeu Timee of Cite												
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice					
7 S	3 W	WM	36	NW NE	520	1.2	Kettle Food Inc.	2-1511					

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
7 S	3 W	WM	36	NW NE	520	0.9	Kettle Food Inc	2-1511
7 S	3 W	WM	36	NW NE	517	0.2	427 SC LLC	2-1511
7 S	3 W	WM	36	SW NE	517	0.1	427 SC LLC	2-1511
7 S	3 W	WM	36	SW NE	515	0.7	Sage Properties LLC	2-1512
7 S	3 W	WM	36	SW NE	511	1.4	Hawthorn Ave LLC	2-1511
7 S	3 W	WM	36	NE NW	520	0.1	Kettle Food Inc	2-1510
8 S	2 W	WM	19	SE NE	300	0.6	Hernandez	2-156
8 S	2 W	WM	29	NE SE	4900	0.5	Daily	2-159
9 S	1 W	WM	10	SW SE	5400	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SW SE	5500	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SW SE	5600	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SW SE	5700	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SW SE	6000	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SW SE	6100	0.1	Mill Stream Woods HOA	2-158
9 S	_1 W	WM	10	SW SE	5900	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SW SE	5800	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SW SE	6300	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SE SE	5900	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SE SE	6400	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SE SE	6500	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SE SE	6600	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SE SE	6700	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SE SE	6800	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	10	SE SE	6900	0.1	Mill Stream Woods HOA	2-158
9 S	1 W	WM	15	NW NW	700	0.2	Danielson	2-157
9 S	1 W	WM	15	NW NW	2000	0.5	Jepsen	2-157
9 S	2 W	WM	5	SW SW	2700	9.5	Smith Living Trust	2-1516
9 S	2 W	WM	7	SE NE	520	1.2	Van Houten	2-1513
9 S	2 W	WM	7	SE NE	1700	1.7	Mae Kreger Trust	2-1513
9 S	2 W	WM	7	NE SE	1600	0.8	Mae Kreger Trust	2-1515
9 S	2 W	WM	8	SW NW	1600	1.4	Mae Kreger Trust	2-1514
		•			Total	22.6		

# 7. The portion of the third right to be transferred is as follows:

Certificate: 85457 in the name of VERNON COATES (confirmed by North Santiam

River Decree)

Use: IRRIGATION of 51.3 ACRES

Priority Date: MAY 14, 1909

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, is limited to a diversion of 1/80 of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per

acre for each acre irrigated during the irrigation season of each year. NORTH SANTIAM RIVER, tributary to the SANTIAM RIVER

#### **Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
9 S	1 W	WM	11	SW SE	2	1800 FEET SOUTH AND 2830 FEET EAST FROM W1/4 CORNER, SECTION 11

Source:

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

	IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	DLC	Acres					
8 S	2 W	WM	19	SW NE		60	3.20					
8 S	2 W	WM	19	NE NW	2		15.40					
8 S	2 W	WM	19	SE NW	3		5.60					
8 S	2 W	WM	19	SE NW		60	14.70					
8 S	2 W	WM	19	NE SW		60	8.80					
8 S	2 W	WM	19	NW SE		60	3.60					
	Total											

8. Transfer Application T-12154 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Water User	Notice
8 S	1 W	WM	32	NW SE	-	6.7	Benjamin & Karryn Laro	3-157
8 S	1 W	WM	32	SW SE	•	3.0	Benjamin & Karryn Laro	3-157
8 S	2 W	WM	19	SE NE	300	5.3	Joe & Paula Hernandez	3-152
8 S	2 W	WM	19	NE SE	300	1.0	Joe & Paula Hernandez	3-153
8 S	2 W	WM	20	SW NW	300	1.2	Joe & Paula Hernandez	3-154
8 S	2 W	WM	20	NW SW	300	9.6	Joe & Paula Hernandez	3-155
9 S	1 W	WM	15	NW NW	1900	0.5	Timothy & Laura Steele	3-156
9 S	1 W	WM	15	NWNW	600	0.3	Roger & Mary Danielson	3-156
9 S	2 W	WM	05	NE NE	2700	1.94	Smith Living Trust	3-158
9 S	2 W	WM	05	NW NW	2700	4.21	Smith Living Trust	3-158
9 S	2 W	WM	05	SWSW	2700	10.02	Smith Living Trust	3-158
9 S	2 W	WM	05	NE SE	2700	3.64	Smith Living Trust	3-158
9 S	2 W	WM	05	SE SE	2700	3.89	Smith Living Trust	3-158

- 9. The district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
- 10. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- 11. The proposed changes would not result in enlargement of the rights.
- 12. The proposed changes would not result in injury to other water rights.

#### **Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-11949 satisfy the requirements of ORS 540.574(3) and 540.580.

# Now, therefore, it is ORDERED:

1. The changes in place of use proposed in Transfer Application T-12154 are 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 Certificates 52798, 54286, 85457, and any related decree.
- 3. Water right Certificates 52798, 54286, and 85457 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.
- 4. The former place of use of the transferred rights shall no longer receive water under the rights.
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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 changes and full beneficial use of the water.
- 6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem,	Oregon this	day of	November	, 2015.
Dwalt	LL.			
Dwight French	Water Right Ser	vices Admin	istrator, for	

Mailing date NOV 0 5 2015