

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T- 9774, Marion County) TRANSFER
)

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

David Steffen
3845 81st Avenue NE
Salem, OR 97305

Findings of Fact

1. David Steffen filed an application to add a point of appropriation under Certificates 24371, 49073 and 59982. The Department assigned the application number T-9774.
2. The entirety of the first right is to be transferred as follows:

Certificate: 24371 in the name of Walter Haverson
Use: Irrigation
Priority Date: January 10, 1956
Quantity: 0.35 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2-1/2 acre-feet per acre per year
Acres: 27.9
Source: A well in the Little Pudding River Basin, tributary to the Pudding River

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
7	S	2	W	W.M.	11	NW SE	—	57	720 FEET NORTH AND 1000 FEET EAST FROM THE SW CORNER OF DLC 57

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 690-004-080 and OAR 690-01-005 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 Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
7	S	2	W	W.M.	11	SW NE	—	57	0.2
7	S	2	W	W.M.	11	SE NE	—	57	0.1
7	S	2	W	W.M.	11	NE SW	—	57	4.2
7	S	2	W	W.M.	11	NE SE	—	57	0.3
7	S	2	W	W.M.	11	NW SE	—	57	23.1

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

Certificate: 49073 in the name of Daniel H. Ross
Use: Irrigation
Priority Date: July 11, 1973
Quantity: 0.10 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2-1/2 acre-feet per acre per year
Acres: 8.5
Source: A well in the Little Pudding River Basin, tributary to the Pudding River

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
7	S	2	W	W.M.	11	NW NE	—	57	3630 FEET NORTH AND 270 FEET EAST FROM SW CORNER OF GREENWOOD DLC 57

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
7	S	2	W	W.M.	11	SW NE	—	57	1.0
7	S	2	W	W.M.	11	SE NW	—	57	4.5
7	S	2	W	W.M.	11	NE SW	—	57	1.3
7	S	2	W	W.M.	11	NW SE	—	57	0.4
7	S	2	W	W.M.	11	SE NW	—	58	1.3

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

Certificate: 59982 in the name of Daniel H. Ross
Use: Irrigation
Priority Date: September 15, 1960
Quantity: 0.40 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2-1/2 acre-feet per acre per year
Acres: 51.7
Source: A well in the Little Pudding River Basin, tributary to the Pudding River

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
7	S	2	W	W.M.	11	NW NE	—	57	3630 FEET NORTH AND 270 FEET EAST FROM SW CORNER OF DLC 57

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
7	S	2	W	W.M.	11	NE NE	—	57	0.2
7	S	2	W	W.M.	11	NW NE	—	57	2.0
7	S	2	W	W.M.	11	SW NE	—	57	37.5
7	S	2	W	W.M.	11	SE NE	—	57	3.0
7	S	2	W	W.M.	11	NE NW	—	57	0.6
7	S	2	W	W.M.	11	NE NW	—	58	0.1
7	S	2	W	W.M.	11	SE NW	—	58	0.7
7	S	2	W	W.M.	11	SE NW	—	57	6.0
7	S	2	W	W.M.	11	NW SE	—	57	1.6

- Application T-9774 proposes to add an authorized point of appropriation approximately 0.50 miles from the existing point of appropriation serving Certificates 49073 and 59982 and approximately 0.13 miles from the existing point of appropriation serving Certificate 24371 in the Little Pudding River Basin, tributary to the Pudding River:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
7	S	2	W	W.M.	11	SE NE	—	57	1240 FEET NORTH AND 1450 FEET EAST FROM THE SW CORNER OF DLC 57

- 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.
- 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.
- Pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
- The proposed change would not result in enlargement of the rights.
- The proposed change would not result in injury to other water rights.

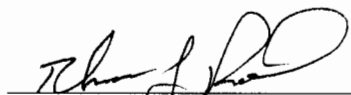
Conclusions of Law

The addition of a point of appropriation proposed in application T-9774 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 additional point of appropriation proposed in application T-9774 is approved.
2. Water right certificates 24371, 49073 and 59982 are canceled. New certificates will be issued describing those portions of the rights not involved in this transfer.
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 Certificates 24371, 49073 and 59982 and any related decree.
4. Water shall be acquired from the same water source (alluvial sands and gravels) as the original points of appropriation.
5. The proposed change shall be completed on or before October 1, 2006.
6. 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.
7. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
8. When required by the Department, the water user shall install and maintain an in-line 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.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 9th day of FEBRUARY, 2005.



Phillip C. Ward
Director

Mailing date: FEB 14 2005