

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

In the Matter of Transfer Application)	ORDER WITHDRAWING
T-10688, Washington County)	PRELIMINARY DETERMINATION
)	PROPOSING APPROVAL OF A
)	CHANGE IN POINT OF DIVERISON
)	AND PLACE OF USE

Authority

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

Oregon Berry Packing Company
Roy Malensky
PO Box 1326
Hillsboro, OR 97123

Agent

Stuntzner Engineering & Forestry
William Kness
2137 19th Avenue
Forest Grove, OR 97116

Findings of Fact

Background

1. On July 31, 2008, Roy Malensky filed an application on behalf of Oregon Berry Packing Company to change the place of use and point of diversion under Certificate 14092 and the perfected portion of Permit S-35792. The Department assigned the application number T-10688.
2. Notice of the application for transfer was published on August 12, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 23, 2009, the Department issued a Preliminary Determination proposing to approve Transfer T-10688 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 October 27, 2009, and in The Hillsboro Argus newspaper on October 30, November 6 and 13, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

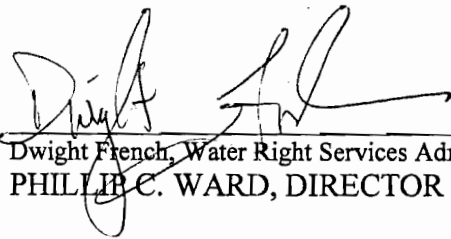
This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director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

4. On December 24, 2009, Sergio Gonzalez withdrew his consent to transfer the water rights under Certificate 14092. Therefore, the applicant is no longer authorized to pursue the transfer.

Now, therefore, it is ORDERED:

The Preliminary Determination issued on October 23, 2009, is withdrawn and is of no force or effect.

Dated at Salem, Oregon this 25 day of August 2011.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: AUG 26 2011