

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

In the Matter of Transfer Application)
T-9547, Washington County, Oregon) **FINAL ORDER**
)

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

Altha Loanne and Roger Maier
15255 NW Parson Road
Forest Grove, Oregon 97116

Findings of Fact

1. Altha Loanne and Roger Maier filed an application to transfer the point of diversion, place of use, and character of use of a portion of Certificate 29793. The Department assigned the application number T-9547.

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

Certificate: 29793 in the name of Cecil B. and Louise Graham
Use: Irrigation
Priority Date: March 5, 1959
Quantity: 0.006 cubic foot per second
Rate/Duty: 1/80 cfs per acre, not to exceed 2.5 acre-feet per acre
Acres: 0.5 acre
Source: Little Beaver Creek, tributary to Gales Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
2	N	5	W	W.M.	25	SE	NE			

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
2	N	5	W	W.M.	25	SE	NE			0.5

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.

3. Application T-9547 proposes to move the authorized point of diversion approximately 700 feet downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
2	N	5	W	W.M.	25	SE	NE			North 1200 feet and West 151 feet from the E¼ Corner of Section 25.

4. Application T-9547 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
2	N	5	W	W.M.	25	SE	NE			0.5

5. Application T-9547 proposes to change the character of use to irrigation and dust control.
6. 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.
7. 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.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.

Conclusions of Law

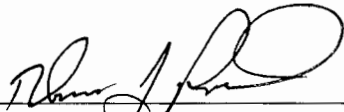
The changes in point of diversion, place of use, and character of use in application T-9547 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. 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 29793 and any related decree.
2. The proposed change shall be completed on or before October 1, 2006.
3. 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.
4. The quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.

5. The use of water for dust control shall be limited to a diversion of 0.006 cubic foot per second per acre and not to exceed a total volume of 1.25 acre feet during the irrigation season of each year.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Dated at Salem, Oregon this 29th day of November 2004.



Phillip C. Ward
Director

Mailing Date: DEC 06 2004