

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

In the Matter of Transfer Application            )  
T-9931, Yamhill County                            )  
  )  
  )  
  )

FINAL ORDER  
APPROVING A CHANGE IN PLACE  
OF USE

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**

Hutchcroft Water Company  
P.O. Box 1299  
McMinnville, Oregon 97128

**Findings of Fact**

1. On May 17, 2005, the Hutchcroft Water Company filed a transfer application to change the place of use under Certificate 81602. The Department assigned the application number T-9931.

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

- Certificate:** 81602 in the name of Hutchcroft Water Company
- Use:** Domestic use for one family (K. Moore) and irrigation of 2.0 acres
- Priority Date:** September 29, 1989
- Quantity:** The quantity for the entire right is 0.086 cfs being: 0.01 cfs for domestic, to be divided among seven households, and 0.076 cfs (34.0 gpm) for irrigation, further proportioned to the individual users to include 5.6 gpm for K. Moore. Therefore, the quantity to be transferred is 0.014 cfs (6.24 gpm) being: 1/7 of 0.01 cfs for domestic, equivalent to 0.64 gpm, and 5.6 gpm for irrigation.
- Rate/Duty:** 1/80 cfs per acre, not to exceed 2.5 acre-feet per acre per year
- Source:** Hutchcroft Creek, tributary to North Yamhill River

This is a final order 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 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 Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
2	S	5	W	W.M.	35	NE	SE	1660' N and 530' W from SE corner, Section 35

**Authorized Place of Use:**

Owner	Township		Range		Meridian	Sec	¼ ¼		DLC	Acres
K. Moore	3	S	5	W	W.M.	1	NW	NE	38	2.0 and domestic

3. Application T-9931 proposes to change the place of use of the right to:

Owner	Township		Range		Meridian	Sec	¼ ¼		DLC	Acres
K. Moore	3	S	5	W	W.M.	1	NW	NE	38	1.08
K. Moore	3	S	5	W	W.M.	1	SW	NE	38	0.92 and domestic

4. 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.
5. 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.
6. A diversion structure, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

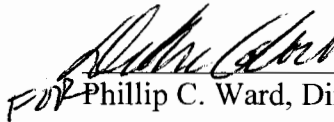
The change in place of use in application T-9931 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

- The change in place of use proposed in application T-9931 is approved.
- Water right certificate 81602 is cancelled. Certificate 81652 is issued describing that portion of the right not involved in this transfer.
- 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 81602 and any related decree.
- The proposed change shall be completed on or before October 1, 2007.

5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2008.
6. The former place of use shall no longer be irrigated as part of this water right.
7. 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.
8. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 24<sup>th</sup> day of October, 2005.

  
\_\_\_\_\_  
FOR Phillip C. Ward, Director

Mailing Date: OCT 26 2005