

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

In the Matter of Transfer Applications                    )  
T-7246 and T-7247, to Add a Point of                    )  
Appropriation    )  
Linn County    )     **FINAL ORDER APPROVING A  
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**

Trysting Tree Golf Club  
P.O. Box 989  
Eugene, OR 97440

**Findings of Fact**

1. Trysting Tree Golf Club filed applications to transfer the point of appropriation under Permit G-11352 (now under Certificate 79957) and Certificate 43479 (now superseded by Certificate 79958). The Department assigned the applications numbers T-7246 and T-7247.

2. The right to be transferred under T-7246 is as follows:

**Certificate:** 79957 in the name of State of Oregon, State Board of Education, Oregon State University

**Use:** Irrigation

**Priority Date:** April 29, 1991

**Quantity:** 0.550 cfs

**Rate/Duty:** 1/80 cfs per acre, not to exceed 2½ acre-feet per acre

**Acres:** 44.0

**Source:** Wells No. 2 and 3 in the Willamette River Basin

**Authorized Point of Appropriation:**

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
11	S	5 W	36	SW NW		66	Well No. 2—3002' N and 2573' W from the NW Corner of Robnett DLC 60
11	S	5 W	36	NW SW		66	Well No. 3—1368' N and 3322' W from the NW Corner of Robnett DLC 60

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.

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
11	S	5	W	W.M.	35	SE NE			0.9
11	S	5	W	W.M.	35	SE NE		66	2.9
11	S	5	W	W.M.	35	NE SE			0.3
11	S	5	W	W.M.	35	NE SE		66	0.3
11	S	5	W	W.M.	36	NE NW			2.7
11	S	5	W	W.M.	36	NE NW		67	18.7
11	S	5	W	W.M.	36	NW NW			3.7
11	S	5	W	W.M.	36	NW NW		67	2.0
11	S	5	W	W.M.	36	SW NW			1.2
11	S	5	W	W.M.	36	SW NW		66	6.6
11	S	5	W	W.M.	36	SW NW		67	3.5
11	S	5	W	W.M.	36	SE NW		67	1.2

3. The right to be transferred under T-7247 is as follows:

**Certificate:** 79958 in the name of State of Oregon, State Board of Education, Oregon State University

**Use:** Irrigation

**Priority Date:** July 14, 1965

**Quantity:** 0.47 cfs

**Rate/Duty:** 1/80 cfs per acre, not to exceed 2½ acre-feet per acre

**Acres:** 37.4

**Source:** Wells No. 2 and 3 in the Willamette River Basin

**Authorized Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
11	S	5	W	W.M.	36	SW NW		66	Well No. 2—3002' N and 2573' W from the NW Corner of Robnett DLC 60
11	S	5	W	W.M.	36	NW SW		66	Well No. 3—1368' N and 3322' W from the NW Corner of Robnett DLC 60

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
11	S	5	W	W.M.	35	SE NE		66	4.4
11	S	5	W	W.M.	35	NE SE		66	0.8
11	S	5	W	W.M.	36	NW NW		67	3.4
11	S	5	W	W.M.	36	SW NW		66	26.2
11	S	5	W	W.M.	36	SW NW		67	2.6

- Applications T-7246 and T-7247 propose to add an authorized point of appropriation (Well 5) to replace Well No. 4 authorized under Permit G-11352 and Certificate 43479, which has been abandoned, and is not listed as an authorized point of appropriation on Certificates 79957 and 79958. Well No. 5 is less than ¼ mile from Well No. 4 in the Willamette River basin:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
11	S	5	W	W.M.	36	SW NW		67	Well No.5—3796' N and 2542' W from the NW Corner of Robnett DLC 60

- Since the transfer applications were filed, Certificate 79957 was issued for the right under Permit G-11352, and Certificate 79958 has superseded Certificate 43479 as a result of T-6544.
- 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.
- Department review discovered a scrivener's error in the north coordinate for the location of Well No. 2 on Certificates 79957 and 79958. This order correctly describes Well No. 2 as 3006' north from the NW Corner of Robnett DLC 60.
- 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- The proposed change would not result in enlargement of the right, if conditioned as below.
- The proposed change would not result in injury to other water rights.

### Conclusions of Law

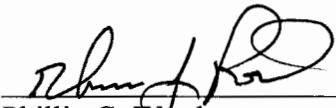
The changes in point of appropriation proposed in application T-7246 and T-7247 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

- The changes in point of appropriation proposed in applications T-7246 and T-7247 are approved.
- Water right certificates 79957 and 79958 are cancelled.

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 79957 and 79958 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point 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 new 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 29<sup>th</sup> day of ~~November~~ 2004.

  
\_\_\_\_\_  
For Phillip C. Ward  
Director

Mailing date: DEC 30 2004