

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13326, Clackamas County)	A CHANGE IN POINT OF
)	APPROPRIATION AND
)	PLACE OF USE

Authority

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DANIEL AND BARBARA HOOPS
27800 S. OGLESBY RD.
CANBY, OR 97013

Findings of Fact

1. On December 19, 2019, DANIEL AND BARBARA HOOPS filed an application to change the point of appropriation and to change the place of use under Certificate 27930. The Department assigned the application number T-13326.
2. Notice of the application for transfer was published on December 24, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 28, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13326 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 1, 2020, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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.

5. On February 24, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13326, 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 February 25, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 27930 in the name of IVAN PULLEY (perfected under Permit G-1004)
Use: IRRIGATION of 9.6 ACRES
Priority Date: AUGUST 15, 1958
Rate: 0.12 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of GRIBBLE CREEK (MOLALLA RIVER)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distance
4 S	1 E	WM	21	NW SW	41	Well 1 - 12 CHAINS SOUTH AND 4 CHAINS EAST FROM THE NW CORNER OF GRIBBLE DLC 41

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 E	WM	21	NE SW	41	1.5
4 S	1 E	WM	21	SW SW	41	3.1
4 S	1 E	WM	21	SE SW	41	5.0
TOTAL						9.6

5. Transfer Application T-13326 proposes to move the authorized point of appropriation approximately 0.2 mile (mi.) from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 E	WM	21	SE SW	41	Well 2 - 1225 FEET SOUTH AND 690 FEET EAST FROM THE NW CORNER OF GRIBBLE DLC 41

6. Transfer Application T-13326 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 E	WM	21	NE SW	41	1.7
4 S	1 E	WM	21	SW SW	41	1.8
4 S	1 E	WM	21	SE SW	41	6.1
TOTAL						9.6

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record 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 were present within the five-year period prior to submittal of Transfer Application T-13326.
9. The proposed changes would not result in enlargement of the right.
10. The proposed changes, as conditioned, would not result in injury to other water rights.
11. All other application requirements are met.

Conclusions of Law

The change in point of appropriation and change in place of use proposed in Transfer Application T-13326 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:

1. The change in point of appropriation and change in place of use proposed in Transfer Application T-13326 are approved.
2. 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 27930 and any related decree.
3. Water right Certificate 27930 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation, (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation, (Well 1).
5. Water use measurement conditions:
 - a) Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation, (new and old).
 - b) The water user shall maintain the meters or measuring devices in good working order.
 - c) The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

APR 02 2020

Dated in Salem, Oregon on _____



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

APR 07 2020

Mailing Date: _____