

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-11489, Marion County) A CHANGE IN POINT OF APPROPRIATION

Authority

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

JULIANA MOULTON
9866 72ND AVE NE
SALEM, OR 97305
evergreen.jkk@gmail.com

Findings of Fact

1. On November 13, 2012, JULIANA MOULTON filed an application for a change in the point of appropriation under Certificate 40020. The Department assigned the application number T-11489.
2. Juliana Moulton is the receiving landowner and is responsible for completion of the changes.
3. Notice of the application for transfer was published on November 20, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On March 25, 2014, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11489 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 15, 2014, for the applicant to respond. The applicant 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.
5. On March 28, 2014, the Department issued a preliminary determination proposing to approve Transfer T-11489 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 April 1, 2014, 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

6. The portion of the right to be transferred is as follows:
- Certificate:** 40020 in the name of WILLIAM and MARY LOU HOLOBOFF (perfected under Permit G-4644)
- Use:** IRRIGATION of 64.6 ACRES
- Priority Date:** MARCH 2, 1970
- Rate:** 0.46 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 a diversion of 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 within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	10	SW SE	1150 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	10	NE SE	16.4
6 S	2 W	WM	10	NW SE	1.7
6 S	2 W	WM	10	SW SE	6.9
6 S	2 W	WM	10	SE SE	39.6
Total:					64.6

7. Transfer Application T-11489 proposes a change in the point of appropriation approximately 850 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	10	NE SE	1860 FEET NORTH AND 1075 FEET WEST FROM THE SE CORNER OF SECTION 10

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years prior to the submittal of Transfer Application T-11489 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.
9. 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-11489.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The change in the point of appropriation proposed in Transfer Application T-11489 is 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 the point of appropriation proposed in Transfer Application T-11489 is 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 40020 and any related decree.
3. Water right Certificate 40020 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer.
4. The quantity of water diverted at the proposed point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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 new point of appropriation.
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, 2015**. 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 change and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the rights transferred will be issued.

Dated at Salem, Oregon this 5 day of May 2014.



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

Mailing date: MAY 09 2014