

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

In the Matter of Transfer Application)
T-10265, Washington 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

EDMUND H. DUYCK
2020 SW 325TH AVE
HILLSBORO OR 97123

Findings of Fact

1. On November 13, 2006, Edmund H. Duyck filed a transfer application to change the place of use under Certificate 68698. The Department assigned the application number T-10265.
2. The portion of the right to be transferred is as follows:

Certificate: 68698 in the name of EDMUND DUYCK (perfected under Permit S-50740)

Use: IRRIGATION of 3.92 ACRES

Priority Date: MAY 17, 1988

Total Duty: 1.2 ACRE FEET

Limit/Duty: Not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: JOB RESERVOIR constructed under permit R-6335, tributary to TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
1 S	3 W	WM	2	SE NW	2	NORTH 18 DEGREES EAST, 590 FEET FROM SW CORNER OF SE¼ NW¼ OF SECTION 2

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in 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 Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC
1 S	3 W	WM	2	NW NW	4	
1 S	3 W	WM	2	NW NW		40
1 S	3 W	WM	3	NE NE		40
						Acres
						1.0
						2.72
						0.20

- The source of the water for Certificate 68698 is JOB RESERVOIR CONSTRUCTED UNDER PERMIT R-6335 (Certificate 54208). Certificate 54208 allows the use of water for the purposes of supplemental irrigation. Notwithstanding this limitation of supplemental irrigation use, the Department issued Certificate 68698 for primary irrigation.
- Application T-10265 proposes to change the place of use for the transferred portion of the water right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	2	SW SE	50	3.92

- Notice of the application for transfer was published on November 21, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- On February 8, 2007, the Department issued a preliminary determination proposing to approve Transfer T-10265 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on February 13, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 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 are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Conclusions of Law


The proposed change in place of use in application T-10265 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-10265 is approved.
- Certificate 68698 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.

3. 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 68698 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
5. The former place of use of the transferred water shall no longer receive water as part of this right.
6. Prior to diverting water, 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. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28th day of March 2007.



Phillip C. Ward, Director

Mailing date: MAR 29 2007