BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING CHANGE
T-9815, Wasco County)	IN PLACE OF USE AND ADDITIONAL
)	POINT OF DIVERSION

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

Monte B. and Jan D. Wasson 6088 Eightmile Road The Dalles, Oregon 97058

Findings of Fact

- 1. On November 4, 2004, Monte B. and Jan D. Wasson filed a transfer application to change the place of use and add an additional point of diversion under Water Right Certificates 32604 and 35401. The Department assigned the application number T-9815.
- The FIRST right to be transferred is as follows:

32604 in the name of Arthur and Elizabeth Appling Certificate:

Use: Irrigation **Priority Date: 1891**

Rate/Duty: Not to exceed 3.0 acre-feet per acre per year

Acres:

Source: Eight Mile Creek, tributary to Fifteen Mile Creek

Authorized Point of Diversion:

Tow	Township		nge	Meridian	Sec	1/4 1/4	Lot	DLC	Survey Coordinates
1	S	13	Е	W.M.	21	NW NE			

Authorized Place of Use:

10***	Township		nge	Meridian	Sec 1/4 1/4		Lot	DLC	Acres
1	S	13	Е	W.M.	21	NW NE			11.9 (POU)

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 137-004-0080 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.

1	l ownship R		Range Meridi		Sec	c ½ ¼		DLC	Acres
1	S	13	Е	W.M.	21 NW NE		5.1 (APOD)		
			17.0						

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

Certificate: 35401 in the name of Arthur and Elizabeth Appling

Use: Irrigation
Priority Date: July 14, 1964
Quantity: 0.257 cfs

Rate/Duty: 1/80th of cubic foot per second, not to exceed 3.0 acre-feet per acre per year

Acres: 20.9

Source: Eight Mile Creek, tributary to Fifteen Mile Creek

Authorized Point of Diversion:

Tow	nship	Rai	nge	Meridian	Sec	1/4 1/4	Survey Coordinates
1	S	13	Е	W.M.	21	NW NE	800'S & 1980'W from NE corner, Section 21

Authorized Place of Use:

Tow	nship	Raı	nge	Meridian	Sec	1/4 1/4		Lot	DLC	Acres
1	S	13	Е	W.M.	21	NE NE			•	9.1 (POU & APOD)
1	S	13	Е	W.M.	21	NE	NE NE		NE 9.0 (A	
1	S	13	E	W.M.	21	NW	NW NE			2.8 (POU & APOD)
			20.9							

4. Application T-9815 proposes to add an additional point of diversion for the lands described below, approximately 1000 feet downstream in the Eight Mile Creek to:

Fow	nship	Rai	nge	Meridian	n Sec 1/4 1/4		Survey Coordinates
1	S	13	Е	W.M.	21	NW NE	70'S & 1380'W from NE corner, Sec. 21

5. Application T-9815 proposes to change the place of use for the above described rights as follows:

Tabulation of Proposed Place of Use and Additional Point of Diversion:

Tow	nship	Rai	nge	Meridian	Sec	1/4 1/4		Cert.	Changes	Acres
1	S	13	Е	W.M.	21	NE	NE NE		POU & APOD	9.1
1	S	13	Е	W.M.	21	NW	NE	32604	POU & APOD	2.8
1	S	13	Е	W.M.	21	NW	NW NE		APOD	5.1
					Total					17.0
1	S	13	E	W.M.	21	NE	NE	35401	APOD	9.0
1	S	13	Е	W.M.	21	NW NE		35401	POU	11.9
		20.9								

- 6. 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. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
- 7. 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.
- 8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 9. The supplemental water right Certificate 62490 will remain in place for both primary water rights.
- 10. The proposed changes would not result in enlargement of the rights.
- 11. The proposed changes would not result in injury to other water rights.

Conclusions of Law

The changes in place of use and additional point of diversion proposed in application T-9815 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 changes in place of use and additional point of diversion proposed in application T-9815 are approved.
- 2. Water right certificates 32604 and 35401 are cancelled. A new certificate will be issued describing that portion of the right described by certificate 35401 not involved in this transfer.
- 3. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 35401 and 32604 and any related decree.
- 4. The proposed changes shall be completed on or before October 1, 2006.
- 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, 2007.
- 6. The quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
- 7. The former places of use shall no longer be irrigated as part of these water rights

- 8. Prior to diverting water at the new point of diversion, 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.
- 9. The water user **shall** install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.
- 10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 20 day of July, 2005.

Phillip C. Ward, Director

Mailing date: JUL 2 9 2005