

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-8156, Union County) CHANGES IN POINT OF DIVERSION
) AND 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

Ronald Puckett
Cherry Crest Farms
69800 Haefer Lane
Cove, OR 97824

Findings of Fact

1. On August 30, 1999, Cherry Crest Farms filed a transfer application to change the point of diversion and place of use under Certificate 6149 and to change the place of use under Certificate 6211. The Department assigned the application number T-8156.

2. The first right to be transferred is as follows:

Certificate: 6149 in the name of Andrew Anderson (confirmed by the decree of the Circuit Court of Union County)

Use: Irrigation of 26.5 acres

Priority Date: 1864

Rate/Duty: 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: Murphy Creek, tributary to Grande Ronde River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
3	S	40	E	W.M.	14	SE NE	1036 feet North & 2640 feet East from the W ¼ corner of Section 14

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.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres	Type of Change
3	S	40	E	W.M.	14	NE NW	6.1	POD/POU
3	S	40	E	W.M.	14	NE NW	8.9	POD
3	S	40	E	W.M.	14	SE NW	5.0	POD/POU
3	S	40	E	W.M.	14	SE NW	6.5	POD

3. Application T-8156 proposes to move the authorized point of diversion for the entire right approximately 0.16 mile upstream in Murphy Creek to:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
3	S	40	E	W.M.	14	SW NE	1335 feet South and 1850 feet West from the NE corner of Section 14

4. Application T-8156 proposes to change the place of use of the 11.1 acres indicated above to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	S	40	E	W.M.	14	NW NE	11.1

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

Certificate: 6211 in the name of Ansel Comstock (confirmed by the decree of the Circuit Court of Union County)

Use: Irrigation of 2.4 acres

Priority Date: 1864

Rate/Duty: 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: A tributary of Murphy Creek

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
3	S	40	E	W.M.	14	NE NE	259 feet South & 1079 feet West from the NE corner of Section 14

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	S	40	E	W.M.	14	NW NW	2.4

6. Application T-8156 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	S	40	E	W.M.	14	SW NW	2.4

7. 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.

8. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

9. Diversion structures, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
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.

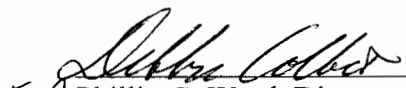
Conclusions of Law

The proposed changes in point of diversion and place of use in application T-8156 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-8156 are approved.
2. Water right certificates 6149 and 6211 are cancelled. A new certificate will be issued describing that portion of the right under Certificate 6211 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 Certificates 6149, 6211 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, 2007**. 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 shall no longer be irrigated as part of these water rights.
6. When required by the Department, 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, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of November, 2005.


 For Phillip C. Ward, Director

Mailing date: NOV 30 2005