

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

In the Matter of Transfer Application)
T-9736, Change in Point of Diversion)
and Place of Use, Douglas County) **FINAL ORDER
APPROVING A CHANGE IN
POINT OF DIVERSION & 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

MARY ANN PARSON
486 WHISTLERS LANE
ROSEBURG OR 97470

Findings of Fact

1. On May 27 2004, Mary Ann Parson filed a transfer application to change the point of diversion and place of use under Certificate 34871. The Department assigned the application number T-9736.

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

Certificate: 34871 in the name of MARY ANN PARSON (perfected under Permit S-29570)
Use: IRRIGATION of 0.4 ACRES
Priority Date: APRIL 21, 1964
Rate: 0.008 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year
Source: NORTH UMPQUA RIVER, tributary to UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
26 S	4 W	WM	16	SW NW	5	300 FEET NORTH & 20 FEET EAST OF SW CORNER, LOT 16, WHISTLERS HOMES, PLAT B

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:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	4 W	WM	16	SW NW	5	0.4

Land on which water is to be used is described more explicitly as: Lot 16, Whistler's Homes, Plat B.

3. Application T-9736 proposes to move the authorized point of diversion less than one-quarter mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
26 S	4 W	WM	17	SE NE	37	1700 FEET SOUTH & 690 FEET WEST OF THE NE CORNER, SECTION 17

4. Application T-9736 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	4 W	WM	17	NE NE	37	0.4

5. 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.
6. 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change 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-9736 appear are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

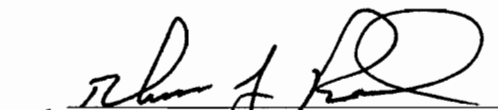
The changes in point of diversion and place of use proposed in T-9736 are approved; the changes and subsequent use of water shall be subject to the following conditions:

1. 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 34871 and any related decree.

2. Certificate 34871 is cancelled; Certificate 81153 shall be issued to describe the remaining rights unaffected by T-9736.
3. The proposed change shall be completed on or before October 1, 2006.
4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the receiving landowner to the Department by October 1, 2007.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion for the transferred portion of the right.
6. The former place of use of the transferred water shall no longer receive water as part of these rights.
7. 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.
8. 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.
9. The receiving landowner responsible for completion of the changes shall be:

Michael and Deborah Parson
13767 North Bank Road
Roseburg OR 97470

Dated at Salem, Oregon this 19th day of May 2005.


Phillip C. Ward, Director

Mailing date: MAY 26 2005

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