

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-11152, Marion County)	ADDITIONAL POINTS 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

STAUFFER BROTHERS, LLC
13851 STAUFFER RD NE
HUBBARD, OR 97032

Agent

GREG KUPILLAS
PACIFIC HYDRO-GEOLOGY, INC.
18487 S. VALLEY VISTA ROAD
MULINO, OR 97042

Findings of Fact

Background

1. On November 8, 2010, STAUFFER BROTHERS, LLC filed an application for additional points of appropriation under Certificate 55411. The Department assigned the application number T-11152.
2. The right to be transferred is as follows:

Certificate:	55411 in the name of STAUFFER BROTHERS (perfected under Permit G-8085)
Use:	IRRIGATION OF 54.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 29.7 ACRES
Priority Date:	APRIL 28, 1978
Rate:	1.06 CUBIC FEET 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 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

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 was filed, the petition shall be deemed denied.

2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: A WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	26	SW NW	63	40 FEET SOUTH AND 2020 FEET EAST FROM THE NW CORNER OF DLC 63

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	26	NE NW	52	11.4
4 S	1 W	WM	26	NW NW	52	15.0
4 S	1 W	WM	26	SW NW	52	15.0
4 S	1 W	WM	26	SE NW	52	13.4

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	26	SW NW		52	10.4
4 S	1 W	WM	26	SW NW		63	3.0
4 S	1 W	WM	27	SE NE		52	8.1
4 S	1 W	WM	27	SE NE		63	7.1
4 S	1 W	WM	27	SE NE	1		1.1

3. Transfer Application T-11152 proposes additional points of appropriation approximately 250 feet to Well 2, 550 feet to Well 3, and 400 feet to Well 4 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	26	SW NW	63	WELL 2 - 70 FEET SOUTH AND 1770 FEET EAST FROM THE NW CORNER OF DLC 63
4 S	1 W	WM	26	NW SW	63	WELL 3 - 550 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF DLC 63
4 S	1 W	WM	26	SE NW	63	WELL 4 - 50 FEET SOUTH AND 2420 FEET EAST FROM THE NW CORNER OF DLC 63

4. Notice of the application for transfer was published on November 16, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On April 25, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11152 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 26, 2011, 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.

6. On May 4, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11152 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 May 10, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years prior to the submittal of Transfer Application T-11152 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.
8. 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-11152.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Conclusions of Law

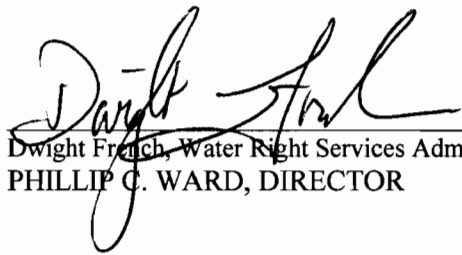
The additional points of appropriation proposed in Transfer Application T-11152 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-11152 are 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 55411 and any related decree.
3. Water right certificate 55411 is cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. 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 point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.

- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
 7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. 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.
 8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 13 day of June 2011.



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

Mailing Date: JUN 17 2011