BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING CHANGE
T-6972, Linn County, Oregon)	IN POINT OF APPROPRIATION
)	

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

Peter Dinsdale P.O. Box 357 Independence, OR 97351

Findings of Fact

- 1. Willard A. and Betty A. Hamlin filed an application to transfer the point of appropriation under Certificates 34059, 37441 and 37442. The Department assigned the application number T-6972. January 14, 2005 the application was assigned to Peter Dinsdale.
- 2. The first right to be transferred is as follows:

Certificate:

34059 in the name of Willard A. Hamlin

Use:

Irrigation

Priority Date: December 5, 1961

Quantity:

0.32 cfs

Rate/Duty:

1/80 cfs per acre, not to exceed 2½ acre-feet per acre

Acres:

25.6

Source:

Hamlin Well No. 5 in the Willamette River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec 1/4 1/4		Lot	DLC	Location	
12	S	4	W	W.M.	7	NE NW		52	780' N and 3120' W from the SE corner of DLC 52	

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:

Town	nship	Range Meridian Sec 1/4 1/4		Lot	DLC	Acres				
12	S	4	W	W.M.	6	SE	SW		52	0.1
12	S	4	W	W.M.	6	SW	SE		52	6.1
12	S	4	W	W.M.	7	NW	NE		52	7.2
12	S	4	W	W.M.	7	NE	NW		52	12.0
12	S	4	w	W.M.	7	NE	NW		51	0.2

3. The second right to be transferred is as follows:

Certificate: 37441 in the name of Grace L. Bulman and Estate of Floyd L. Bulman

Use: Irrigation

Priority Date: September 2, 1965

Quantity: 0.69 cfs

Rate/Duty: 1/80 cfs per acre, not to exceed 2½ acre-feet per acre

Acres: 74.6

Source: Bulman Well No. 5 in the East Channel Willamette River Basin

Authorized Point of Appropriation:

Tow	nship		nge	Meridian	Sec	1/4 1/4	Lot	DLC	Location	
12	S	4	W	W.M.	7	SW NE		51	1220' S and 2130' W from the SE corner of DLC 52	

Authorized Place of Use:

Town	`ownship		nge	Meridian	Sec	1/4 1/4	Lot	DLC	Acres
12	S	4	W	W.M.	7	NE N	NE	51	0.1
12	S	4	W	W.M.	7	SW N	NE	51	6.0
12	S	4	W	W.M.	7	SE N	NE	51	25.0
12	S	4	W	W.M.	7	NE S	sw	51	0.3
12	S	4	W	W.M.	7	SE S	sw	51	0.2
12	S	4	W	W.M.	7	NE S	SE	51	5.2
12	S	4	w	W.M.	7	NW S	SE	51	33.1
12	S	4	W	W.M.	7	SW S	SE	51	4.4
12	S	4	W	W.M.	8	SW N	NW	51	0.3

4. The third right to be transferred is as follows:

Certificate: 37442 in the name of Grace L. Bulman and Estate of Floyd L. Bulman

Use: Irrigation

Priority Date: September 2, 1965

Quantity: 0.67 cfs

Rate/Duty: 1/80 cfs per acre, not to exceed 2½ acre-feet per acre

Acres: 72.2

Source: Bulman Well No. 2 in the (Muddy Creek) Willamette River Basin

Authorized Point of Appropriation:

7	Township		Range		Meridian	Sec	Sec 1/4 1/4		DLC	Location
	12	S	4	W	W.M.	7	NE SE		51	1850' S and 1280' W from the SE corner of DLC 52

Authorized Place of Use:

Town	nship	Rai	nge	Meridian	Sec	1/4	1/4 1/4		1/4 1/4		1/4 1/4		DLC	Acres
12	S	4	W	W.M.	7	SE	NE		51	4.7				
12	S	4	W	W.M.	7	NE	SE		51	34.4				
12	S	4	W	W.M.	7	NW	SE		51	1.1				
12	S	4	W	W.M.	7	SE	SE		51	7.0				
12	S	4	W	W.M.	8	SW	NW		51	11.6				
12	S	4	W	W.M.	8	NW	SW		51	13.4				

5. Application T-6972 proposes to move the authorized points of appropriation for all three water rights to two new wells within approximately 0.6 mile or less from the existing points of appropriation in the Willamette basin. The new wells are located as follows:

Township		Range		Meridian	Sec	1/4 1/4	DLC	Location
12	S	4	W	W.M.	7	SE NW	51	Well 6—3800' N and 2365' E from the SW corner of Section 7
12	S	4	W	W.M.	7	NE SE	51	Well 7—2300' N and 875' W from the SE corner of Section 7

- 6. The application and map contained clerical errors in the certificate number for the right perfected under Permit G-2012, and in the ½½ sections given in the locations of the proposed Wells 6 and 7. This document corrects these errors.
- 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 five years prior to filing of the application 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.
- 9. The proposed change would not result in enlargement of the right.
- 10. The points of appropriation for unadjudicated groundwater claims GR-484 (claimed priority August 4, 1945) and GR-2451 (claimed priority December 31, 1949) are located between the proposed new wells 6 and 7. Well 6 is located quite close to one of the wells for GR-484. As the dates of these claims are senior to the transferred rights and are appurtenant to property of the same landowner, the proposed change would not result in injury to those water rights.

Conclusions of Law

The changes in point of appropriation proposed in application T-6972 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:

- The change in point of appropriation proposed in application T-6972 is approved.
- Water right certificates 34059, 37441 and 37442 are cancelled 1.
- The right to 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 34059, 37441 and 37442.
- 3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- The proposed change 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.
- The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 7. The original points of appropriation shall not continue to be used under these water rights.
- 8. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
- 9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 29 day of MARCH, 2005.

Phillip C.

Director

Mailing date: APR 2 7 2005