

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

In the Matter of Transfer Application                            )   FINAL ORDER  
T-6999, to Change the Place of Use of Water                )   APPROVING A TRANSFER  
Lane County, Oregon    )

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**

Jack P. Konym  
91760 North Coburg Road  
Eugene, Oregon 97401

**Findings of Fact**

1. Jack P. Konym filed an application to transfer the place of use for 6.7 acres of irrigation under Certificate 75439. The Department assigned the application number T-6999.
2. The portion of the right to be transferred is as follows:

**Certificate:** 75439 in the name of Muddy Creeks Irrigation District  
**Use:** Irrigation  
**Priority Date:** August 13, 1986 for 0.003 cfs and October 2, 1986 for 0.081 cfs  
**Quantity:** 0.084 cfs  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 2½ acre-feet per acre per year  
**Acres:** 6.7  
**Source:** McKenzie River, tributary to Willamette River  
**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
17	S	3	W	W.M.	9	NE NE			4440’ S and 5250’ E from the SE corner of DLC 79

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
16	S	3	W	W.M.	20	SW SW		56	6.3
16	S	3	W	W.M.	20	SE SW		56	0.4

3. Application T-6999 proposes to change the place of use of this portion of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
16	S	3	W	W.M.	20	SE SE		41	6.7

4. 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.
5. 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.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.
9. Notice of the Preliminary Determination was published as per ORS 540.520 and OAR 690-380-4020. No protests were filed pursuant to OAR 690-380-4030.

**Conclusions Of Law**

The change in place of use proposed in application T-6999 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.


**Order**

It is hereby ORDERED:

1. The change in place of use proposed in application T-6999 is approved.
2. Water right certificate 75439 is cancelled. A new certificate will be issued to confirm that portion of the right 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 Certificate 75439 and any related decree.

4. The proposed change shall be completed on or before October 1, 2005.
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, 2006.
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 change is received, a new certificate confirming this portion of the water right shall be issued.

Dated at Salem, Oregon this 19<sup>th</sup> day of July, 2004.

  
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Phillip C. Ward  
Acting Director

Mailing date: JUL 21 2004