

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

In the Matter of Temporary Transfer) FINAL ORDER APPROVING
Application T-9659, Polk County, Oregon) TEMPORARY CHANGES IN PLACE
) OF USE

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion or appropriation 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

Elmer Stoller Farms, Inc.
505 Morrow Raod
Independence, OR 97351

Findings of Fact

1. Elmer Stoller Farms, Inc. filed an application to temporarily transfer the place of use under Certificates 64541 and 51873 for a period of 1 year. The Department assigned the application number T-9659.
2. The rights to be transferred are as follows:

Certificate: 64541 in the name of Elmer Stoller Farms (transferring the entire right)
Use: Irrigation
Priority Date: February 28, 1980
Quantity: 0.02 Cubic Foot per Second (CFS)
Rate/Duty: 1/80th cfs per acre, not to exceed 2.5 acre-feet per acre
Acres: 1.7 acres
Source: Rickreall Creek, tributary to the Willamette River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
7	S	4	W	W.M.	29	SE SE		47	930 feet North and 850 Feet West from SE Corner, Section 29

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 137-004-080 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
7	S	4	W	W.M.	29	SW	SE	100	47	0.5
7	S	4	W	W.M.	29	SE	SE	100	47	1.2

Certificate: 51873 in the name of C. Barenrecht (transferring a portion of the right)
Use: Irrigation
Priority Date: June 18, 1964
Quantity: 0.13 CFS
Rate/Duty: 1/80th cfs per acre, not to exceed 2.5 acre-feet per acre
Acres: 10.6 acres
Source: Rickreall Creek, tributary to the Willamette River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
7	S	4	W	W.M.	29	SE	SW		47	2060 feet North and 1580 Feet East from SE Corner, DLC 45

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
7	S	4	W	W.M.	32	SE	NW	200	47	10.6

3. Application T-9659 proposes to change the place of use of the right to:

Certificate	Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
51873	7	S	4	W	W.M.	32	SW	NE	200		10.6
64541	7	S	4	W	W.M.	32	SW	NE	200		0.6
64541	7	S	4	W	W.M.	32	SE	NE	200		1.1

4. Notice of the application for temporary 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 diversion structure and ditch 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.

