

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-10194, Clackamas County) CHANGE IN PLACE OF USE

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

GEORGE AND ZINA REUTOV
9323 MOUNT ANGEL-GERVAIS RD.
GERVAIS, OR 97026

Agent

PACIFIC HYDRO-GEOLOGY INC.
attn: MALIA OR GREG KUPILLAS
18477 S VALLEY VISTA RD.
MULINO, OR 97042

Findings of Fact

1. On June 8, 2006, George and Zina Reutov filed an application to transfer the place of use under Certificate 31827. The Department assigned the application number T-10194.
2. The portion of the right to be transferred is as follows:

Certificate: 31827 in the name of ROBERT RATCLIFF (perfected under Permit G-1558)

Use: IRRIGATION

Priority Date: MARCH 15, 1960

Rate: 0.008 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH of one cubic foot per second (cfs) per acre, not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year

Acres: 1.09 acres

Source: A WELL in the MOLALLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	1 E	WM	20	SW NE	39	21 CHAINS SOUTH AND 13 CHAINS WEST FROM THE NE CORNER OF DLC 39

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. 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:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 E	WM	20	NE NE	39	0.40
4 S	1 E	WM	20	NW NE	39	0.69

3. Transfer Application T-10194 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 E	WM	20	SW NE	39	0.49
4 S	1 E	WM	20	NW SE	39	0.60

4. Notice of the application for transfer was published on June 27, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. On February 27, 2007, the Department issued a preliminary determination proposing to approve Transfer Application T-10194 and mailed a copy to the applicants and their agent. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on March 6, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.
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 is 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 change in place of use proposed in Transfer Application T-10194 is consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10194 is approved.
2. 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 Certificate 31827 and any related decree.
3. Certificate 31827 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.

4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. The former place of use of the transferred water shall no longer receive water as part of this right.
7. Prior to diverting water at the new point of appropriation, 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.
8. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 13th day of April 2007.


Phillip C. Ward, Director

Mailing date: Apr 17, 2007

