

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12560, Clackamas County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION AND A CHANGE IN
	)	POINT OF APPROPRIATION

**Authority**

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

OREGON STATE UNIVERSITY  
NORTH WILLAMETTE RESEARCH AND  
EXTENSION CENTER  
15210 NE MILEY RD  
AURORA OR 97002

**Findings of Fact**

1. On January 9, 2017, OREGON STATE UNIVERSITY, NORTH WILLAMETTE RESEARCH AND EXTENSION CENTER filed an application for additional points of appropriation under Certificate 29298 and a change in point of appropriation under Certificate 38511. The Department assigned the application number T-12560.
2. Notice of the application for transfer was published on January 24, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 9, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12560 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 7, 2017, for the applicant to respond. The applicant's agent requested that Department proceed with issuance of a Preliminary Determination and provided necessary information to demonstrate that the applicant is authorized to pursue the transfer

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.

4. On May 19, 2017, the applicant's agent brought to the Department's attention that a scrivener's error had occurred with relation to the distance between the additional points of appropriation and the original point of appropriation (Finding of Fact #7).
5. On June 20, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12560 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 June 27, 2017, and in the Canby Herald newspaper on June 28, 2017 and July 5, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The first right to be transferred is as follows:

**Certificate:** 29298 in the name of CLACKAMAS COUNTY  
(perfected under Permit G-966)

**Use:** IRRIGATION OF 51.2 ACRES

**Priority Date:** AUGUST 26, 1958

**Rate:** 0.64 CUBIC FOOT 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL, tributary of the WILLAMETTE RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	25	NW SE	10.5 CHAINS SOUTH AND 22.75 CHAINS WEST FROM THE SE CORNER OF DLC 43

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	1 W	WM	25	SW NE	2	18.4
3 S	1 W	WM	25	SE NE	1	18.9
3 S	1 W	WM	25	NE SE		7.0
3 S	1 W	WM	25	NW SE		6.9
TOTAL						51.2

7. Transfer Application T-12560 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
3 S	1 W	WM	25	SW NE	WELL 4 - 480 FEET NORTH AND 2610 FEET WEST FROM THE E1/4 CORNER OF SECTION 25	1200
3 S	1 W	WM	25	NE SW	WELL 3 - 40 FEET SOUTH AND 2890 FEET WEST FROM THE E1/4 CORNER OF SECTION 25	1400

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

**Certificate:** 38511 in the name of NORTH WILLAMETTE EXPERIMENT STATION  
(perfected under Permit G-3649)

**Use:** IRRIGATION OF 100.8 ACRES

**Priority Date:** APRIL 12, 1967

**Rate:** 0.25 CUBIC FOOT 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL, a tributary of the WILLAMETTE RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 W	WM	25	NW SE	740 FEET SOUTH AND 2110 FEET WEST FROM THE E1/4 CORNER OF SECTION 25

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 W	WM	25	NE SW	38.7
3 S	1 W	WM	25	NE SE	32.0
3 S	1 W	WM	25	NW SE	30.1
TOTAL					100.8

9. Transfer Application T-12560 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
3 S	1 W	WM	25	NW SE	WELL 1 - 10.5 CHAINS SOUTH AND 22.75 CHAINS WEST FROM THE SE CORNER OF DLC 43	900
3 S	1 W	WM	25	SW NE	WELL 4 - 480 FEET NORTH AND 2610 FEET WEST FROM THE E1/4 CORNER OF SECTION 25	1300
3 S	1 W	WM	25	NE SW	WELL 3 - 40 FEET SOUTH AND 2890 FEET WEST FROM THE E1/4 CORNER OF SECTION 25	1100

***Transfer Review Criteria (OAR 690-380-4010)***

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12560.
12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other water rights.
14. All other application requirements are met.

**Conclusions of Law**

The additional points of appropriation and a change in point of appropriation proposed in Transfer Application T-12560 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 and a change in point of appropriation proposed in Transfer Application T-12560 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 Certificates 29298 and 38511, any related decree.
3. Water Right Certificates 29298 and 38511 are 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. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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 changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 4 day of August, 2017.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: AUG 15 2017