

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

| | | |
|---------------------------------------|---|-----------------------------|
| In the Matter of Transfer Application |) | FINAL ORDER APPROVING OF AN |
| T-12855, Marion County |) | ADDITIONAL 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

RODERICK J. SONNEN
8644 BROADACRES ROAD
AURORA, OR 97002

Findings of Fact

1. On February 26, 2018, RODERICK J. SONNEN filed an application for an additional point of appropriation under Certificate 67645. The Department assigned the application number T-12855.
2. Notice of the application for transfer was published on March 6, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 3, 2018, the Department contacted the Applicant's agent in requesting clarification on the remaining right portion of Certificate 67645 and the type of change being requested.
4. On April 4, 2018, the Applicant's agent submitted an amended Table 2 of the application and a map and providing clarification as to the type of change being requested.
5. On April 19, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12855 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 21, 2018, for the applicant to respond.

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.

6. On April 23, 2018, the applicant requested that the Department extend the completion date to October 1, 2023, and requested the Department to proceed with the issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
7. On May 2, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12855 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 May 8, 2018 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

8. The portion of the right to be transferred is as follows:

Certificate: 67645 in the name of RODERICK J. SONNEN
(perfected under Permit G-5443)

Use: IRRIGATION OF 42.6 ACRES

Priority Date: JULY 30, 1971

Rate: 0.54 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: A WELL, in the CASE CREEK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|-----|-----|-----|-----|-------|-----|--|
| 4 S | 2 W | WM | 25 | SW SW | 52 | 200 FEET NORTH AND 1370 FEET WEST FROM THE SE CORNER OF DLC 51 |

Authorized Place of Use:

| IRRIGATION | | | | | | |
|------------|-----|-----|-----|-------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | DLC | Acres |
| 4 S | 2 W | WM | 25 | SW SW | 51 | 13.7 |
| 4 S | 2 W | WM | 25 | SE SW | 51 | 26.9 |
| 4 S | 2 W | WM | 25 | SW SE | 51 | 2.0 |
| TOTAL | | | | | | 42.6 |

9. Transfer Application T-12855 proposes an additional point of appropriation approximately 1,100 feet from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | DLC | Measured Distances |
|-----|-----|-----|-----|-------|-----|--|
| 4 S | 2 W | WM | 25 | SW SW | 51 | APOA 2 - 1310 FEET NORTH AND 1890 FEET WEST FROM THE SE CORNER OF DLC 51 |

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 right. There is no information in the record that would demonstrate that the right is 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 right were present within the five-year period prior to submittal of Transfer Application T-12855.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

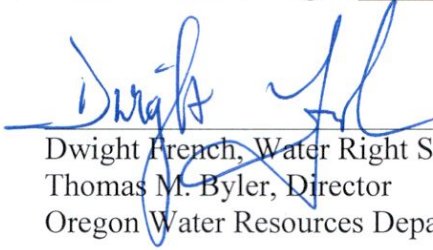
The additional point of appropriation proposed in Transfer Application T-12855 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-12855 is 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 Certificate 67645 and any related decree.
3. Water right Certificate 67645 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the additional point 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. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 change and full beneficial use of the water.

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon, JUN 18 2018.



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

Mailing date: JUN 19 2018