

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-9888, Marion County)	CHANGE IN POINT OF
)	APPROPRIATION

ORS 537.705 and 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

Sinn Brothers
Donald and Thomas Sinn
9821 Saratoga Dr NE
Silverton, OR 97381

Findings of Fact

1. On March 18, 2005, Sinn Brothers filed an application to change the point of appropriation for 69.0 acres under Certificate 81334. The Department assigned the application number T-9888.
2. The portion of the right to be transferred is as follows:

Certificate: 81334 in the name Sinn Brothers (perfected under Permit G-11003)
Use: Irrigation
Priority Date: January 13, 1989
Quantity: 0.56 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2 ½ acre-feet per acre
Acres: 69.0
Source: a well, in the Pudding River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
6	S	1	W	W.M.	18	SW NW	175 feet N and 1520 feet W from the center of Section 18.

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 137-004-0080 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 for Certificate 81334:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
6	S	1	W	W.M.	18	NW NE		48	1.7
6	S	1	W	W.M.	18	SW NE		48	1.3
6	S	1	W	W.M.	18	NE NW		48	13.8
6	S	1	W	W.M.	18	NE NW	1		14.4
6	S	1	W	W.M.	18	NW NW			4.8
6	S	1	W	W.M.	18	SW NW			5.9
6	S	1	W	W.M.	18	SE NW		48	16.3
6	S	1	W	W.M.	18	SE NW	2		10.8

3. Application T-9888 proposes to change the authorized point of appropriation for the affected lands. The new point of appropriation is approximately 595 feet east and 675 north of the existing point of appropriation in the Pudding River Basin to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
6	S	1	W	W.M.	18	SE NW	2		850 feet north and 925 feet west from the center of section 18.

4. Application T-9888 does not propose to change the place of use of the right.
5. Application T-9888 does not propose to change the character of use.
6. 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.
7. 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.
8. A pump, pipeline and sprinkler system are present to use the full amount of water allowed under the existing right.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. Receiving landowners Donald H. and Linda K. Sinn will be responsible for completing the change.

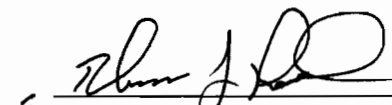
Conclusions of Law

The change in the point of appropriation in application T-9888 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 change in point of appropriation for 69.0 acres proposed in application T-9888 is approved.
2. Water right certificate 81334 is cancelled. A new certificate will be issued describing 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 81334 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed change shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
8. When required by the Department, 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.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon, this 11th day of August, 2005.



Phillip C. Ward
Director

Mailing date: AUG 12 2005