

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING REVERSION
T-7989, Yamhill County, Oregon	)	OF ADDITIONAL POINTS OF
	)	APPROPRIATION

**Authority**

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

**Applicants**

ROBERT AND PAMELA ZIELINSKI  
17243 RIVER ROAD NE  
GERVAIS, OR 97026

**Findings of Fact**

1. On April 23, 1998, ROBERT AND PAMELA ZIELINSKI filed an application for additional points of appropriation under Permit G-12169. The Department assigned the application number T-7989.
2. On December 27, 2011, the Department issued a Final Order (Special Order Volume 85, Page 855), approving additional points of appropriation. The order required the applicant to complete development of the change to the water right by October 1, 2013. A claim of beneficial use was due by October 1, 2014.
3. On November 30, 2020, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on a Transfer is not received. The Department requested a response by December 31, 2020.
4. On December 7, 2020, the Department received a signed certified mailing card.
5. As of January 1, 2021, the Department had not received any further response to the incomplete transfer.

This is a final order in 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 137-004-0080, 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. As of May 11, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department.
7. Pursuant to OAR 690-380-6010(6), the additional points of appropriation shall revert to the last authorized point of appropriation for the transfer not completed.

**Conclusion of Law**

The reversion of the additional points of appropriation back to the authorized point of appropriation under Certificate 86846 is consistent with the requirements of OAR 690-380-6010(6).

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation authorized under Transfer Application T-7989 for the right described by Certificate 86846 is reverted to the point of appropriation authorized under the water right prior to the transfer.
2. A superseding certificate, in the name of ROBERT AND PAMELA ZIELINSKI, shall be issued to describe the water right reverted.

Dated at Salem, Oregon this SEP 22 2021.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date: SEP 23 2021