

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

In the Matter of Transfer Application        )  
T-7391, Yamhill County, Oregon            )        **FINAL ORDER APPROVING REVERSION  
OF A CHANGE IN POINT OF DIVERSION**

**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**

WENDELL AND PATSY TRIVELPIECE  
9280 NW OLD RAILROAD GRADE  
YAMHILL, OR 97148

**Current Landowner**

ALEX KANDOV  
9280 NW OLD RAILROAD GRADE  
YAMHILL, OR 97148

**Findings of Fact**

1. On July 19, 1995, WENDELL AND PATSY TRIVELPIECE filed an application to change the point of diversion under Certificates 83307, 83308 and 39104. The Department assigned the application number T-7391.
2. On March 17, 2008, a revised application map was submitted to reflect the revisions made to the transfer application, being the removal of Certificate 39104.
3. On May 27, 2008, the Department issued a Final Order (Special Order Volume 74, Page 1002), approving a change in point of diversion. The order required the applicant to complete development of the changes to the water rights by October 1, 2009. A claim of beneficial use was due by October 1, 2010.
4. On November 23, 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 24, 2020. The certified mailing was returned to sender as undeliverable, unable to forward.

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.

5. On December 7, 2020, the Department contacted the current landowner, verified as Alex Kandov by the Yamhill County Assessor's office, by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be reverted 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 January 8, 2021.
6. On January 4, 2021, the certified mailing was returned to the Department as unclaimed.
7. As of January 9, 2021, the Department had not received any further response to the incomplete transfer.
8. As of May 7, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department.
9. Pursuant to OAR 690-380-6010(6), the change in point of diversion shall revert to the last authorized point of diversion for the transfer not completed.

**Conclusion of Law**

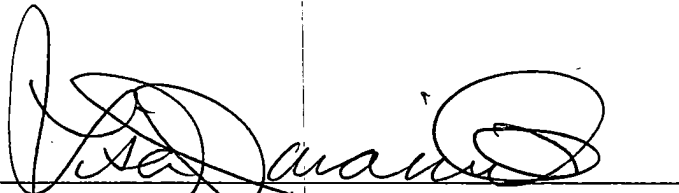
The reversion of the change in point of diversion back to the authorized points of diversion under Certificates 83307 and 83308 are consistent with the requirements of OAR 690-380-6010(6).

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

1. The change in point of diversion authorized under Transfer Application T-7391 for the rights described by Certificates 83307 and 83308 are reverted to the point of diversion authorized under the water rights prior to the transfer.
2. Superseding certificates, in the name of VERA TRIVELPIECE, shall be issued to describe the water rights reverted.

**SEP 22 2021**

Dated at Salem, Oregon this \_\_\_\_\_.



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

Mailing date: **SEP 23 2021**