

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-12361, Marion County)	ADDITIONAL POINTS 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

ROBERT W. GABRIEL TRUST
8474 HAZELGREEN RD NE
SALEM, OR 97381

Findings of Fact

1. On April 29, 2016, ROBERT W. GABRIEL TRUST filed an application for additional points of appropriation under Certificate 83030. The Department assigned the application number T-12361.
2. Notice of the application for transfer was published on May 3, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 9, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12361 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 10, 2017, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On July 6, 2017, the Department issued a Preliminary Determination proposing to approve deny Transfer T-12361 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 July 11, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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.

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

Certificate: 83030 in the name of RONALD G. BOLTMAN (perfected under Permit G-10690)
Use: NURSERY USES and IRRIGATION of 18.5 ACRES
Priority Date: JANUARY 20, 1987
Rate: 0.668 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 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 within the WILLAMETTE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	3 W	WM	24	NW NE	66	360 FEET SOUTH AND 1580 FEET EAST FROM THE SW CORNER OF DLC 66

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 S	3 W	WM	13	SW SE	5	1.50
6 S	3 W	WM	24	NE NE		0.30
6 S	3 W	WM	24	NW NE		16.70

6. Transfer Application T-12361 proposes two additional points of appropriation approximately 200-800 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NE	WELL 1-(MARI 58798) 1085 FEET SOUTH AND 865 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 24
6 S	3 W	WM	24	NW NE	WELL 3- 215 FEET SOUTH AND 1235 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 24

Transfer Review Criteria (OAR 690-380-4010)

- 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.
- 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-12361.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

11. All other application requirements are met.

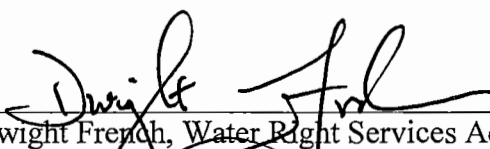
Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-12361 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 proposed in Transfer Application T-12361 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 Certificate 83030 and any related decree.
3. Water right Certificate 83030 is 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. 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, 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 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 this 16 day of August 2017


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

Mailing date: AUG 24 2017