OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-14048, Marion County)	A DISTRICT PERMANENT TRANSFER FOR
)	PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.570 through 540.580 establish the process in which a district may submit a request to transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department's procedures and criteria for evaluating district transfer applications.

Applicant

SANTIAM WATER CONTROL DISTRICT 284 E WATER ST #1763 STAYTON, OR 97383

Findings of Fact

- 1. On July 18, 2022, SANTIAM WATER CONTROL DISTRICT (SWCD) filed a district transfer application to permanently change the place of use under Certificate 90905. The Department assigned the application number T-14048.
- 2. Notice of the District Permanent Transfer Application was published on July 19, 2022, pursuant to ORS 540.580 and OAR 690-385-4400. No comments were filed in response to the notice.
- 3. Santiam Water Control District controls the authorized point of diversion and supplies water to the places use under Certificate 90905.
- 4. Water right Certificate 90905 was quitclaimed to SWCD and recorded with the County of Marion on August 22, 2022.
- 5. The portion of the first right to be transferred is as follows:

Certificate: 90905 in the name of FRANK H SPEARS, ET AL (confirmed by decree of the Circuit Court of the State of Oregon for Marion County)

Use: IRRIGATION of 8.5 acres

This final order in a contested case and 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(2) 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.

Within 20 days after this final order is issued (i.e., mailing date), the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions. ORS 540.580(10).

Priority Dates: MAY 14, 1909

Rate: 0.11 CUBIC FOOT PER SECOND

Note: To compensate for losses between the point of diversion to the place of use, an

additional amount exceeding ten percent is allows.

Sources: The NORTH SANTIAM RIVER, A TRIBUTARY OF THE SANTIAM RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
9 S	1 W	WM	11	SW SE	2	1800 FEET SOUTH AND 2830 FEET EAST FROM THE W¼ CORNER OF SECTION 11

Authorized Place of Use:

	IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice		
7 S	3 W	WM	36	NE NE	78	0.5	1300	QUITCLAIM TO SWCD	N/A		
7 S	3 W	WM	36	NW NE	78	8.0	1300	QUITCLAIM TO SWCD	N/A		
					Total:	8.5					

6. Transfer Application T-14048 proposes to change the place of use to:

Proposed Place of Use:

	IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice	
8 S	2 W	WM	19	SE NW	60	8.5	500	MCKAY	N/A	

- 7. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
- 8. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540,580 and OAR 690-385-4000.
- The water right is subject to transfer as defined in OAR 690-385-0100(17).
- 10. The proposed changes in places of use will not result in enlargement of the right as defined in OAR 690-385-0100(4).
- 11. The proposed changes in places of use will not result in injury to other water rights as defined in OAR 690-385-0100(6).
- 12. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.
- 13. After proof of completion, any water right certificate issued to confirm the changes to certificate 90905 under Transfer T-14048 is to be issued in the name of the Santiam Water Control District.

Conclusions of Law

The proposed changes in places of use as proposed in Transfer Application T-14048 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

- 1. The proposed changes in place of use to the water right evidenced by Certificate 90905 is approved.
- 2. Water right Certificate 90905 is cancelled. A new certificate will be issued describing that portion of the right not modified by this transfer.
- 3. The water users shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
- 4. 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 shall be submitted by SWCD to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
- 5. After satisfactory proof beneficial use has been received, a new certificate confirming the right transferred from Certificate 90905 will be issued in the name of Santiam Water Control District.

Signed at Salem, Oregon on SEP 2 0 2022

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

Mailing Date: SEP 2 1 2022