

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

In the Matter of Transfer Application        )  
T-13200, Clackamas County                    )  
  )  
  )        FINAL ORDER APPROVING A  
  )        TEMPORARY CHANGE IN PLACE OF  
  )        USE

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

IVAN AND ZINA SNEGIREV  
29955 S MERIDIAN RD  
HUBBARD, OR 97032

**Findings of Fact**

1. On June 6, 2019, Ivan and Zina Snegirev filed an application to temporarily change the place of use under Certificates 47884, 85900 and 85899 for a period of 5 years. The Department assigned the application number T-13200.
2. Notice of the application for transfer was published on June 18, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be temporarily transferred is as follows:

**Certificate:** 47884 in the name of MERLE TRACHAEL (perfected under Permit S-20836)  
**Use:** IRRIGATION of 20.5 ACRES  
**Priority Date:** OCTOBER 31, 1951  
**Rate:** 0.25 CUBIC FOOT PER SECOND FROM THE PUDDING RIVER  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, 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.

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.

**Source:** PUDDING RIVER, tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	1	NE NW

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	36	SW SE	6.4
5 S	1 W	WM	1	NW NE	7.9
5 S	1 W	WM	1	NE NW	6.2
TOTAL					20.5

4. The Department received information from the applicant that better describes the the POD under Certificate 47884 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	1	NE NW	50 FEET SOUTH AND 810 FEET WEST FROM THE N1/4 CORNER OF SECTION 1

5. Temporary Transfer Application T-13200 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	1	NE NE	8.5
5 S	1 W	WM	6	NW NW	12.0
TOTAL					20.5

6. The portion of the second right to be temporarily transferred is as follows:

**Certificate:** 85900 in the name of IVAN SNEGIREV (perfected under Permit S-50875)

**Use:** IRRIGATION of 12.5 ACRES

**Priority Date:** DECEMBER 27, 1989

**Rate:** 0.16 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:** PUDDING RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	1	NE NW	50 FEET SOUTH AND 810 FEET WEST FROM THE N1/4 CORNER OF SECTION 1

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	36	SW SE	12.0
4 S	1 W	WM	36	SE SE	0.4
5 S	1 W	WM	1	NE NW	0.1
TOTAL					12.5

7. Temporary Transfer Application T-13200 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	1	NE NE	6.7
5 S	1 W	WM	1	NW NE	5.8
TOTAL					12.5

8. The portion of the third right to be temporarily transferred is as follows:

**Certificate:** 85899 in the name of IVAN AND ZINA SNEGIREV (perfected under Permit G-11877)  
**Use:** SUPPLEMENTAL IRRIGATION of 12.5 ACRES  
**Priority Date:** DECEMBER 30, 1992  
**Rate:** 0.16 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.  
**Period of use:** March 1 through October 1 of each year  
**Source:** A WELL, in the PUDDING RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	1 W	WM	36	SW SE	560 FEET NORTH AND 320 FEET EAST FROM THE S1/4 CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 W	WM	36	SW SE	12.0
4 S	1 W	WM	36	SE SE	0.4
5 S	1 W	WM	1	NE NW	0.1
TOTAL					12.5

9. Temporary Transfer Application T-13200 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	1	NE NE	6.7
5 S	1 W	WM	1	NW NE	5.8
TOTAL					12.5

**Temporary Transfer Review Criteria**

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
12. The proposed changes would not result in enlargement of the rights. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**

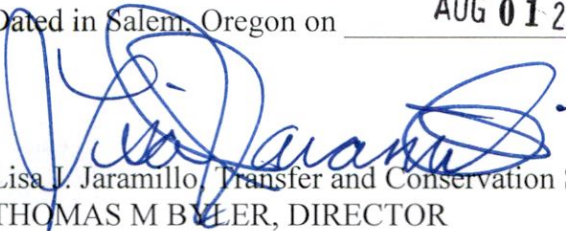
The temporary changes in place of use proposed in Temporary Transfer Application T-13200 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary change in place of use proposed in Temporary Transfer Application T-13200 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2019, 2020, 2021, 2022 and 2023 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2023 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 47884, 85900 and 85899 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 47844, 85900 and 85899.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

8. The use of the remaining water rights described by Certificates 47884, 85900 and 85899 shall continue to be in accordance with the terms and conditions of Certificates 47844, 85900 and 85899.

Dated in Salem, Oregon on AUG 01 2019



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

Mailing Date: AUG 02 2019