

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

In the Matter of Transfer Application)
T-9414, to Add a Point of Appropriation) **FINAL ORDER APPROVING A**
Marion County, Oregon) **TRANSFER**

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

Applicant

Thomas H. DeArmond
11463 Broadacres Road NE
Hubbard, Oregon 97032

Findings of Fact

1. Tom DeArmond filed an application to add a point of appropriation, under Certificates 39151, 56753, & 59003. The Department assigned the application number T-9414.
2. The first right to be transferred is as follows:

Certificate: 39151 in the name of Thomas H. DeArmond
Use: Irrigation
Priority Date: March 4, 1966
Quantity: 1.52 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2½ acre-feet per acre
Acres: 142.1 acres
Source: A well in the Pudding River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
4	S	1	W	W.M.	29	SE SE		57	1,430 ft N. & 1,110 ft W of NE Corner of DLC 56

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
4	S	1	W	W.M.	28	SW SW	30.2
4	S	1	W	W.M.	28	SE SW	2.1
4	S	1	W	W.M.	29	SW SE	4.6
4	S	1	W	W.M.	29	SW SE	13.9
4	S	1	W	W.M.	29	SE SE	4.9
4	S	1	W	W.M.	29	SE SE	29.1
4	S	1	W	W.M.	32	NE NE	26.9
4	S	1	W	W.M.	32	NW NE	25.3
4	S	1	W	W.M.	33	NW NW	5.1

3. The second right to be transferred is as follows:

Certificate: 59003 in the name of Tom DeArmond
Use: Irrigation
Priority Date: November 8, 1978
Quantity: 0.47 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2½ acre-feet per acre
Acres: 37.2 acres
Source: A well in the Mill Creek Basin
Authorized Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
4	S	1	W	W.M.	33	NW NW	250 ft S & 250 ft E from the NW Corner of Section 33

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
4	S	1	W	W.M.	28	SW SW	2.7
4	S	1	W	W.M.	28	SE SW	2.3
4	S	1	W	W.M.	33	NE NW	0.9
4	S	1	W	W.M.	33	NE NW	17.7
4	S	1	W	W.M.	33	NW NW	13.6

4. The third right to be transferred is as follows:

Certificate: 56753 in the name of Tom DeArmond
Use: Irrigation (primary and supplemental)
Priority Date: June 27, 1977
Quantity: 2.03 cfs; being 0.13 cfs from Well 1 for primary and 1.90 cfs from Well 2 for supplemental irrigation.
Rate/Duty: 1/80 cfs per acre, not to exceed 2½ acre-feet per acre
Acres: 10.6 Acres Primary and 152.7 Acres Supplemental
Source: Two wells in the Pudding River Basin

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
4	S	1	W	W.M.	29	SE SE		57	Well 1 - 1,430 ft N. & 1,110 ft W of NE Corner of DLC 56
4	S	1	W	W.M.	33	NW NW		57	Well 2 - 770 ft N. & 250 ft E of NE Corner of DLC 56

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
4	S	1	W	W.M.	29	SW SE		58	10.0 primary
4	S	1	W	W.M.	29	SW SE		57	0.6 primary
4	S	1	W	W.M.	28	SW SW		57	30.2 supplemental
4	S	1	W	W.M.	28	SE SW		57	2.1 supplemental
4	S	1	W	W.M.	29	SW SE		57	5.2 supplemental
4	S	1	W	W.M.	29	SW SE		58	23.9 supplemental
4	S	1	W	W.M.	29	SE SE		58	4.9 supplemental
4	S	1	W	W.M.	29	SE SE		57	29.1 supplemental
4	S	1	W	W.M.	32	NE NE		57	26.9 supplemental
4	S	1	W	W.M.	32	NW NE		57	25.3 supplemental
4	S	1	W	W.M.	33	NW NW		57	5.1 supplemental

- Application T-9414 proposes to add an authorized point of appropriation approximately 0.25 mile from the existing point of appropriation at Well 1 (identified as Well 6 on transfer application) and approximately 175 feet from the existing point of appropriation at Well 2 (identified as Well 7 on transfer application) in the Pudding River and Mill Creek basins to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
4	S	1	W	W.M.	33	NW NW		57	680 ft N. & 100 E of NE Corner of DLC 56

- The maximum distance of the proposed new well is slightly more than ¼ mile from Well 1 (identified as Well 6 on transfer application).
- Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- Pumps, pipeline, and a sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
- The proposed change would not result in enlargement of the rights.
- The proposed change would not result in injury to other water rights.

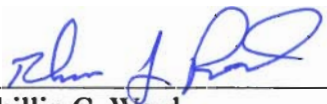
Conclusions of Law

The change, to add a point of appropriation, proposed in application T-9414 is 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 change, to add a point of appropriation, proposed in application T-9414 is approved.
2. Water right certificates 39151, 56753, and 59003 are cancelled.
3. The right to 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 Certificates 39151, 56753, & 59003.
4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. The proposed change shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The quantity of water diverted at the new point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
8. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 25th day of October, 2004.



for Phillip C. Ward
Acting Director

Mailing date: NOV 05 2004