



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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BEFORE THE OREGON WATER RESOURCES DEPARTMENT

| | | |
|---|---|----------------------------------|
| In the Matter of The Protest Against Transfer |) | |
| Application T-8058 |) | |
| |) | |
| Oregon Water Trust on behalf of Landowner, |) | |
| Michael A. Becker, <i>Applicant</i> |) | |
| |) | |
| Robert L. and Robert C. Sheehy; Lloyd D. |) | FINAL ORDER INCORPORATING |
| Reagan; Jack S. and Gloria D. Kleck; Lyman |) | SETTLEMENT AGREEMENT AND |
| E. Baker; Terry and Karen Mudd; and Wright |) | APPROVING TRANSFER |
| Hemp Hutchinson Ditch Improvement |) | |
| District, <i>Protestants</i> |) | |
| |) | |

HISTORY OF THE CASE

On August 10, 1998, applicant Oregon Water Trust on behalf of landowner, Michael Becker, filed transfer application T-8058 with the Oregon Water Resources Department (OWRD or the Department), proposing to modify water rights evidenced by Certificate C-6236 and cancel supplementary rights evidenced by C-6236 and C-5811. The applicants subsequently filed amendments to the transfer application on May 24, 1999 and again on June 13, 2000. Protests to the application were timely filed by protestants Robert L. and Robert C. Sheehy (Robert C. Sheehy is now deceased and is succeeded in interest by Dona G. Sheehy); Lloyd D. Reagan; Jack S. and Gloria D. Kleck nka Gloria D. Sheehy; Lyman E. Baker; Robert L. Mudd (now deceased, succeeded in interest by Terry and Karen Mudd); and the Wright Hemp Hutchinson Ditch Improvement District (hereafter referred to collectively as "protestants").

The Department initiated a contested case by its Notice of Hearing and Prehearing Conference dated October 3, 2000.

On April 24 and 25, 2002, a contested case hearing was held in this matter at the Union City Hall, Union, Oregon. The applicant Oregon Water Trust appeared through and with Attorney Douglas MacDougal. The Department appeared through and with Assistant Attorney General Shannon O'Fallon. Protestants appeared through and with attorney Laura A. Schroeder. Witnesses presented testimony through written direct

examination and rebuttal subject to cross-examination at hearing. Written closing arguments were submitted.

A proposed order was issued on November 22, 2002. Exceptions were filed by the Protestants and the Applicant filed responses to those exceptions.

Concurrent with these transfer proceedings, the parties stipulated to voluntary cancellation of portions of the rights subject to transfer. Pursuant to a stipulated agreement reached by the parties to the cancellation proceedings, The Oregon Water Trust amended its transfer application to reflect the voluntary reduction of the rights to be transferred instream.

Pursuant to ORS 183.415(5), the parties entered into a Settlement Agreement that resolves the protests to transfer application T 8058. Based on the Agreement, which is incorporated herein, and the record in this matter, the quantities to be transferred for the protection of instream flows are as follows:

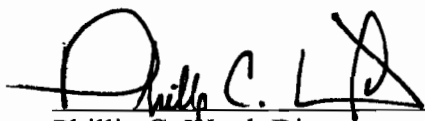
| CERT. | PRIORITY DATE | ACRES | CFS | GPM | Volume (acre-foot) | SEASON | POINT OF DIVERSION |
|-------|---------------|--------------|-------------|------------|--------------------|------------|--------------------|
| 81172 | 1863 | 13.63 | .17 | 77 | 40.89 | 6/1 – 9/28 | Dobbins Ditch |
| 5811 | 1925 | 9.7 | .12 | 54 | 58.31 | 3/1– 10/31 | Taylor Green Ditch |
| | | Total | 0.29 | 131 | 99.2 | | |

Based on the record in this matter and the Settlement Agreement the proposed transfer as described above and in the Draft Certificates attached hereto is consistent with ORS 540.530 OAR 690-380-5000 and OAR 690-077-0065 to 690-077-0075.

ORDER

Therefore, pursuant to ORS 540.530 this transfer is approved and certificates consistent with the attached Draft Certificates shall issue.

DATED this 27th day of January, 2006.


Phillip C. Ward, Director
Oregon Water Resources Department