

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

In the Matter of Transfer Application	)	FINAL ORDER
T-11775, Wasco County	)	APPROVING ADDITIONAL POINTS
	)	OF DIVERSION

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use 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**

SHAWN SORENSEN  
80852 SOUTH VALLEY ROAD  
DUFUR, OR 97021

**Findings of Fact**

1. On April 1, 2014, SHAWN SORENSEN filed an application for additional points of diversion under Certificates 5595, 5622 and 47329. The Department assigned the application number T-11775.
2. Notice of the application for transfer was published on April 15, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 23, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11775 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 26, 2015, 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.

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.

4. On June 11, 2015, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11775 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 16, 2015, and in the Dalles Chronicle newspaper on June 18 and 25, 2015, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The first right to be transferred is as follows:

**Certificate:** 5595 in the name of GEORGE W. PERRY, SUCCESSOR IN INTEREST TO MIKE ABNET (confirmed by Fifteen Mile Creek decree)

**Use:** IRRIGATION OF 16.0 ACRES

**Priority Date:** 1890 FOR TRACT NO. 1 AND 1903 FOR TRACT NO. 2

**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not to exceed 3.0 acre-feet per acre in any irrigation season.

**Source:** FIFTEEN MILE CREEK, tributary to the COLUMBIA RIVER

**Authorized Place of Use:**

IRRIGATION – TRACT NO. 1 (1890)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NW NE	1.0
2 S	12 E	WM	12	NE NW	10.0

IRRIGATION – TRACT NO. 2 (1903)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NE NW	2.8
2 S	12 E	WM	12	SE NW	2.2

6. Certificate 5595 does not describe the point of diversion location that serves these lands on both sides of Fifteen Mile Creek. However, the Department's January, 1956 adjudication map identifies diversion dam structures and ditches within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 12, and within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, both within T 2 S, R 12 E, W.M. In addition, information is available from the current Certified Water Rights Examiner's map based on a recent field visit and subsequent survey and the Department's Final Proof Survey Map for Water Right Permit S-35992 indicating that the original points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	ABNET DITCH NO. 1 AND ABNET DITCH NO. 2
2 S	12 E	WM	11	SW SE	LITTLE DITCH – 100 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF SECTION 11

7. Transfer Application T-11775 proposes an additional point of diversion downstream from the upper diversion approximately 5300 feet located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	1075 FEET SOUTH AND 2065 FEET EAST FROM THE NW CORNER OF SECTION 12

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

**Certificate:** 5622 in the name of ANNA & HARRY W. DEAN (confirmed by Fifteen Mile Creek decree)  
**Use:** IRRIGATION OF 7.5 ACRES  
**Priority Date:** 1877  
**Limit/Duty:** The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not to exceed 3.0 acre-feet per acre in any irrigation season.  
**Source:** FIFTEEN MILE CREEK, tributary to the COLUMBIA RIVER

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NW NE	7.5

9. Certificate 5622 does not describe the point of diversion location that serves the lands. However, the Department's January, 1956 adjudication map identifies diversion dam structures and ditches within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 12, and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11, both within T 2 S, R 12 E, W.M. which serves this land. In addition, information is available from the current Certified Water Rights Examiner's map based on a recent field visit and subsequent survey and the Department's Final Proof Survey Map for Water Right Permit S-35992 indicating that the original points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	11	SW SE	LITTLE DITCH - 100 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF SECTION 11

10. Transfer Application T-11775 proposes an additional point of diversion downstream approximately 5300 feet located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	1075 FEET SOUTH AND 2065 FEET EAST FROM THE NW CORNER OF SECTION 12

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

**Certificate:** 47329 in the name of WILBUR WEST & CHARLOTTE WEST (perfected under S-35992)  
**Use:** IRRIGATION OF 8.5 ACRES  
**Priority Date:** FEBRUARY 25, 1971  
**Rate:** 0.11 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, shall be limited to 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 not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** FIFTEEN MILE CREEK, tributary to the COLUMBIA RIVER

**Authorized Point of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	11	SW SE	100 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NW NE	8.4
2 S	12 E	WM	12	NW NW	0.1

12. Transfer Application T-11775 proposes an additional point of diversion downstream approximately 5300 feet located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	1075 FEET SOUTH AND 2065 FEET EAST FROM THE NW CORNER OF SECTION 12

13. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

14. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
15. Diversion structures and ditches sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11775.
16. The proposed change would not result in enlargement of the rights.
17. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The additional points of diversion proposed in Transfer Application T-11775 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.


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

1. The additional points of diversion proposed in Transfer Application T-11775 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 Certificates 5595, 5622 and 47329, and any related decree.

3. Water Right Certificates 5595, 5622, and 47329 are cancelled.
4. The quantity of water diverted at the new additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of diversion.
  - b. The water user shall maintain the meter or measuring device in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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 changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 17 day of August, 2015.

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

Mailing date: AUG 19 2015