

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-11635, Clackamas County) **CHANGE IN PLACE OF USE**

Authority

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

Applicant

MISSOURI RIDGE FARM LLC
38111 S NOWLENS BRIDGE RD
MOLALLA, OR 97038

Findings of Fact

1. On July 9, 2013, Missouri Ridge Farm LLC filed an application to change the place of use under Certificate 41394. The Department assigned the application number T-11635.
2. Notice of the application for transfer was published on July 16, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 16, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11635 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 20, 2014, 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.
4. On January 8, 2014, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11635 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 January 14, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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.

5. The portion of the right to be transferred is as follows:

Certificate: 41394 in the name of FRED KASER (perfected under Permit S-28844)
Use: IRRIGATION of 5.9 ACRES
Priority Date: MAY 16, 1963
Rate: 0.06 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 of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: BUTTE CREEK, tributary of the PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 E	WM	16	SE NE	39	1620 FEET SOUTH AND 1240 FEET WEST FROM THE NE CORNER OF WHITLOCK DLC 39

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	15	NW NW	39	2.1
6 S	1 E	WM	16	NE NE	39	3.3
6 S	1 E	WM	16	NW NE	39	0.5

6. Transfer Application T-11635 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	GLot	Acres
6 S	1 E	WM	16	NE NW	39		4.2
6 S	1 E	WM	16	NE NW		1	1.7

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

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11635.
9. The proposed changes would not result in enlargement of the right.
10. The proposed changes would not result in injury to other water rights.

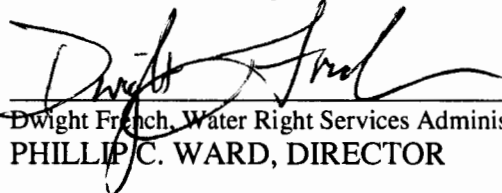
Conclusions of Law

The change in place of use proposed in Transfer Application T-11635 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-11635 is 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 Certificate 41394 and any related decree.
3. Water Right Certificate 41394 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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 change and full beneficial use of the water.
6. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 18 day of February 2014.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: FEB 21 2014