

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING OF A
T-12442, Douglas County)	CHANGE IN PLACE OF USE
)	

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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 Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

BABETTE COUSINEAU or
VICTORY COUSINEAU
PO BOX 307
AZALEA, OR 97410

Findings of Fact

1. On July 22, 2016, BABETTE AND VICTORY COUSINEAU filed an application to change the place of use under Certificate 87037. The Department assigned the application number T-12442.
2. Notice of the application for transfer was published on August 9, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 31, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12442 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 2, 2017, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination on March 12, 2017, and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
4. On March 16, 2017, the Department issued a Preliminary Determination proposing to approve T-12442 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly 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.

on March 21, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protest were filed in response to the notice.

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

Certificate: 87037 in the names of R.C. AND C.F. HEAD (perfected under Permit S-19730)
Use: IRRIGATION OF 1.5 ACRES
Priority Date: JULY 28, 1950
Rate: 0.019 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-SEVENTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COW CREEK, tributary to the SOUTH UMPQUA RIVER

Authorized Points of Diversion are located within a reach as follows:

Twp	Rng	Mer	Sec	Q-Q
31 S	4 W	WM	28	NE SW
31 S	4 W	WM	28	SE SW
31 S	4 W	WM	33	NW NE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
31 S	4 W	WM	28	SE SW	1.5

6. Transfer Application T-12442 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
31 S	4 W	WM	28	SW SW	1.5

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-12442.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-12442 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-12442 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 87037 and any related decree.
3. Water right Certificate 87037 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, 2018**. 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. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 8 day of May 2017.



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

Mailing date: MAY 10 2017