

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

In the Matter of Transfer Application) CORRECTING FINAL ORDER
T-9485, Douglas County)

Authority

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

Dana and Maralee Westbrook
149 Rolling Ridge Road
Oakland, OR 97462-9746

Findings of Fact

1. On June 27, 2003, Woran and Deborah Deckard filed an application for an additional point of diversion and to change the place of use under Permit S-51512. The Department assigned the application T-9485.
2. On April 2, 2007, the transfer application was assigned to Dana and Maralee Westbrook.
3. On December 26, 2007, water use Permit S-51512 was superseded by Certificate 83573.
4. On May 14, 2010, the Department issued an order approving T-9485. The order was recorded at Special Order Volume 80, Pages 963 – 966.
5. The order incorrectly listed the measured distances of the proposed new point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	6 W	WM	12	NW SW	47	1440 FEET SOUTH AND 120 FEET WEST FROM THE NE CORNER OF SECTION 11

6. The correct measured distances, as shown in the transfer application and map is:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	6 W	WM	12	NW SW	47	750 FEET SOUTH AND 800 FEET EAST FROM THE W1/4 OF SECTION 12

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. 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.

Now, therefore, it is ORDERED:

1. The order approving T-9485 as recorded Special Order Volume 80, 963 - 966 is corrected to describe the correct measured distances for the proposed point of diversion.
2. All other provisions of Special Order Volume 80, Pages 963 - 966 remain in effect.

Dated at Salem, Oregon this 23 day of September, 2010.


Phillip C. Ward
Director

Mailing date: SEP 27 2010