

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

In the Matter of Transfer Application) FINAL ORDER APPROVING OF A
T-12519, Yamhill County) CHANGE IN PLACE OF USE

Authority

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

Applicant

PHILIP R. OLSON
23725 SE OLD BETHEL RD
AMITY, OR 97101-2601

Findings of Fact

1. On November 1, 2016, Philip R. Olson filed an application to change the place of use under Certificate 91708. The Department assigned the application number T-12519.
2. Notice of the application for transfer was published on November 8, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 30, 2017, the Department contacted the applicant to let them know that the senior water right, Certificate 33666, will be primary irrigation and the result of T-12519 will be supplemental where layered.
4. On March 2, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12519 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 1, 2017, for the applicants to respond. The applicants request that the Department proceed with issuance of a Preliminary Determination on March 14, 2017 and provided the necessary information to demonstrate that the applicants 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.

5. On April 7, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12519 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 on April 11, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the right to be transferred is as follows:

Certificate: 91708 in the name of ANER PATTY (perfected under Permit S-50668)
Use: IRRIGATION OF 86.4 ACRES
Priority Date: JULY 8, 1988
Rate: 1.08 CUBIC FEET 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: OLSON RESERVOIR, a tributary of SALT CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	4 W	WM	33	NE SW	550 FEET SOUTH AND 1200 FEET WEST FROM THE C1/4 CORNER OF SECTION 33

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 S	4 W	WM	4	NE NE		8.2
6 S	4 W	WM	4	NW NE		40.0
6 S	4 W	WM	4	SW NE		10.0
6 S	4 W	WM	4	SE NE		3.6
6 S	4 W	WM	4	NE NW	3	19.7
6 S	4 W	WM	4	SE NW	2	4.9
Total:						86.4

7. Transfer Application T-12519 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	4 W	WM	33	NE SW	0.8
5 S	4 W	WM	33	SW SW	6.8
5 S	4 W	WM	33	SE SW	0.6
5 S	4 W	WM	33	NE SE	0.9
5 S	4 W	WM	33	NW SE	1.2
5 S	4 W	WM	33	SW SE	1.3
5 S	4 W	WM	33	SE SE	0.6
6 S	4 W	WM	4	NW NW	28.6
6 S	4 W	WM	5	NE NE	38.0
6 S	4 W	WM	5	NW NE	7.6
Total:					86.4

Transfer Review Criteria (OAR 690-380-4010)

- 8. 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.
- 9. 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-12519.
- 10. The proposed change would not result in enlargement of the rights.
- 11. The proposed change would not result in injury to other water rights.
- 12. All other application requirements are met.

Conclusions of Law


The change in place of use proposed in Transfer Application T-12519 is consistent with the requirements of ORS 537.705 and 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-12519 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 91708 and any related decree.
- 3. Water right Certificate 91708 is cancelled.
- 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 17 day of May 2017.



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

Mailing date: MAY 26 2017