

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

In the Matter of Transfer Application	)	FINAL ORDER
T-9642, Clackamas County, Oregon	)	
	)	

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

Stefan Tipikin
31900 S. Dryland Rd.
Molalla, OR 97038

Findings of Fact

1. Mr. Stefan Tipikin filed an application to transfer the point of appropriation under Certificate 42792. The Department assigned the application number T-9642.
2. The portion of the right to be transferred is as follows:

Certificate: 42792 in the name of Crestview Farms, Inc.
Use: Irrigation of 155 acres
Priority Date: May 13, 1971
Quantity: 1.94 cubic feet per second
Rate/Duty: 1/80 cfs per acre, not to exceed 2 ½ acre-feet per acre
Acres: 155
Source: a well in the Molalla River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Lot	Location
5	S	1	E	W.M.	11	SE	SE	TL 1100	1,290 ft North; 30 ft. W from SE corner of Sec. 11

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.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
5	S	1	E	W.M.	11	SW	SE	TL 1100, 1102	35.5
5	S	1	E	W.M.	11	SE	SE	TL 1100	40.0
5	S	1	E	W.M.	12	SW	SW	TL 1300, 1400	40.0
5	S	1	E	W.M.	12	SE	SW	TL 1400, 1401, 1500, 1501	39.5

3. Application T-9642 proposes to add an authorized point of appropriation approximately 0.49 mile from the existing point of appropriation in the Molalla River basin to:

Township		Range		Meridian	Sec	¼ ¼		Lot	Location
5	S	1	E	W.M.	11	SW	SE	TL 1100	110 ft. North; 2,260 ft. West from SE corner of Sec. 11

4. Application T-9642 does not propose to change the place of use of the right.
5. Application T-9642 does not propose to change the character of use.
6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available 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 is present.
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

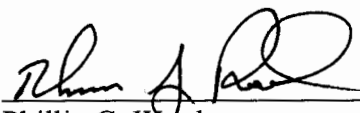
The change in point of appropriation proposed in application T-9642 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in application T-9642 is approved.
2. Water right certificate 42792 is cancelled.

3. The right to 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 42792 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation. The proposed well shall be completed in the sediments overlying the basalt aquifer, and shall only develop groundwater from the unconsolidated aquifer.
5. The proposed change shall be completed on or before October 1, 2005.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
7. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
8. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 9th day of August, 2004.


for Phillip C. Ward
Acting Director

Mailing date: AUG 13 2004