BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-9718, Lane County, Oregon)	TEMPORARY CHANGES IN PLACE
)	OF USE

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion or appropriation 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

Springfield Country Club 90333 Sunderman Rd. Springfield, OR 97478

Findings of Fact

- Springfield Country Club filed an application to temporarily transfer the place of use under Certificate 29982 for a period of 5 years. The Department assigned the application number T-9718.
- The portion of the right to be transferred is as follows:

Certificate:

29982 in the name of Springfield Country Club

Use:

Irrigation

Priority Date: July 30, 1958

Quantity:

0.039 Cubic Foot per Second (CFS)

Rate/Duty:

1/80 cfs per acre, not to exceed 2.5 acre-feet per acre

Acres:

3.1 acres

Source:

Mohawk River, tributary to the McKenzie River

Authorized Point of Diversion:

Tow	nship	Range		Meridian	Sec	1/4 1/4	Lot	Location
17	S	2	W	W.M.	3	SE NW	1	N/A

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:

Town	nship	Rai	nge	Meridian	Sec	1/4 1/4		Lot	DLC	Acres
17	S	2	W	W.M.	3	NW	NE		63	0.6
17	S	2	W	W.M.	3	NE	NW	8		1.2
17	S	2	W	W.M.	3	SE	NW		63	0.5
17	S	2	W	W.M.	3	NE	SW	2	63	0.8

3. Application T-9718 proposes to change the place of use of the right to:

Tow	nship	Rai	nge	Meridian	Sec	1/4 1/4		1/4 1/4		Lot	DLC	Acres
17	S	2	w	W.M.	3	SW	NE		71	1.6		
17	S	2	W	W.M.	3	NW	SE		71	1.5		

- 4. Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 5. 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.
- 6. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Conclusions of Law

The temporary changes in place of use proposed in application T-9718 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- 1. The changes in place of use proposed in application T-9718 are approved.
- 2. The former place of use **shall not** be irrigated as part of this water right during the 2004, 2005, 2006, 2007 and 2008 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2008 irrigation season.
- 4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
- 5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 29982.

- 6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
- 7. The use of the remaining water right described by Certificate 29982 shall continue to be in accordance with the terms and conditions of Certificate 29982.

Dated at Salem, Oregon this 25th day of October, 2004.

Phillip C. Ward
Acting Director

Mailing date: NOV 0 5 2004

Requests for Reconsideration should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271