

5. On January 27, 2014, the Department issued a preliminary determination proposing to approve Transfer T-11512 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 February 4, 2013, and in the East Oregonian newspaper on January 29, and February 5, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

6. The primary right and its layered supplemental water right to be transferred are as follows:

Certificate: 194 in the name of RHODA A. SUMMER (confirmed by Decree of the Circuit Court of the State of Oregon for Morrow County)
Use: IRRIGATION OF 40.0 ACRES during the period March 1 to August 1 of each year
Priority Dates: 1872 for 5.0 acres and 1905 for 35.0 acres
Rate: 0.08 CUBIC FOOT PER SECOND (CFS) (PRIORITY DATE 1872) and 0.58 CFS (PRIORITY DATE 1905)
Source: WILLOW CREEK, tributary to the COLUMBIA RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 S	25 E	WM	20	SW NW	5.0
1 S	25 E	WM	20	SE NW	5.5
1 S	25 E	WM	20	NE SE	2.5
1 S	25 E	WM	20	NW SE	7.0
1 S	25 E	WM	20	SE SE	7.0
1 S	25 E	WM	21	SW SW	13.0
TOTAL:					40.0

Permit: S-54770 in the name of Willow Creek District Improvement Company
Use: IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 40.0 ACRES

Maximum

Volume: 39.4 ACRE FEET

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: Primary Irrigation August 2 through October 31, Supplemental Irrigation March 1 through August 1

Source: WILLOW CREEK RESERVOIR (CONSTRUCTED UNDER PERMIT R-10880), tributary to WILLOW CREEK

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	20	NW SE	HARRISON POD 2 – 1695 FEET NORTH AND 1325 FEET WEST FROM THE SE CORNER OF SECTION 20

Authorized Place of Use:

PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	20	SW NW	5.0
1 S	25 E	WM	20	SE NW	5.5
1 S	25 E	WM	20	NE SE	2.5
1 S	25 E	WM	20	NW SE	7.0
1 S	25 E	WM	20	SE SE	7.0
1 S	25 E	WM	21	SW SW	13.0
TOTAL:					40.0

7. Certificate 194 does not describe the location of the point of diversion, however information is available from a Final Order of the Special Order record Vol. 8, Pages 333 to 334 approving a change in point of diversion for the entire water right Certificate 194 upstream on Willow Creek to a point located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28

8. Transfer Application T-11512 proposes to change the point of diversion for Certificate 194 downstream approximately 4000 feet to:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
1 S	25 E	WM	20	NW SE	1560 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 20

9. Transfer Application T-11512 also proposes to change the place of use of the above described water rights to:

PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
1 S	25 E	WM	20	SW NW	3.5
1 S	25 E	WM	20	SE NW	6.0
1 S	25 E	WM	20	NE SE	8.4
1 S	25 E	WM	20	NW SE	6.0
1 S	25 E	WM	20	SE SE	5.0*
1 S	25 E	WM	21	SW SW	11.1
TOTAL:					40.0

* Note: 5.0 acres (priority date = 1872)

10. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

Transfer Review Criteria [OAR 690-380-4010(2)]

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the records that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11512.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.

Conclusions of Law

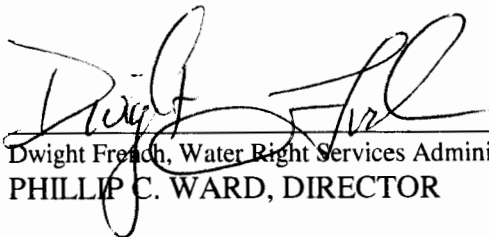
The changes in point of diversion and place of use proposed in Transfer Application T-11512 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in Transfer Application T-11512 are 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 194 and any related decree.
3. Water right certificate 194 is cancelled.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
 - b. The water user shall maintain the meter(s) or measuring device(s) in good working order.
 - c. The water user shall allow the Watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is/are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
7. The former place of use of the transferred rights shall no longer receive water under the rights.
8. Permit S-54839, in the name of Willow Creek District Improvement Company, is issued to replace Permit S-54770, and incorporates the change in place of use approved by this order and the order issued for Permit Amendment T-11664. Permit S-54770, in the name of Willow Creek District Improvement Company, is no longer of any force or effect.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 20 day of March 2014.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 03 2014