



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, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer. When in the distribution of water it becomes necessary to install headgates and measuring devices, the appropriator or his successor in interest will be required to install these so as not to restrict the natural channel of the stream or interfere with the flow of the water therein. The location and plans of these structures shall be approved by the State Engineer prior to construction.

**Source:** WRIGHT'S CREEK, tributary to the MOLALLA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
4 S	2 E	WM	29	SE NE	38

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 E	WM	29	NE NE	38	2.2
4 S	2 E	WM	29	NW NE	38	4.2
4 S	2 E	WM	29	SW NE	38	10.0
4 S	2 E	WM	29	SE NE	38	13.6

3. Transfer Application T-11016 proposes to move the authorized point of diversion to reflect historic use of a point of diversion approximately 1375 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 E	WM	29	NW NE	38	440 FEET SOUTH AND 1635 FEET EAST FROM THE NORTHERLY NW CORNER OF WRIGHT DLC 48

4. The second right to be transferred is as follows:

**Certificate:** 34110 in the name of GILBERT O. KAPPLER (perfected under Permit S-27268)

**Use:** IRRIGATION of 26.4 ACRES

**Priority Date:** MARCH 16, 1961

**Rate:** 0.33 CUBIC FOOT 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:** WRIGHT CREEK, tributary to the MOLALLA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 E	WM	29	SW NE	38	1620 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 E	WM	29	NE NE	38	9.0
4 S	2 E	WM	29	NW NE	38	7.9
4 S	2 E	WM	29	SW NE	38	7.5
4 S	2 E	WM	29	SE NE	38	0.6
4 S	2 E	WM	29	NW SE	38	1.4

5. Transfer Application T-11016 proposes to move the authorized point of diversion to reflect historic use of a point of diversion approximately 1185 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 E	WM	29	NW NE	38	440 FEET SOUTH AND 1635 FEET EAST FROM THE NORTHERLY NW CORNER OF WRIGHT DLC 38

6. The third right to be transferred is as follows:

**Certificate:** 36264 in the name of GILBERT O. KAPPLER (perfected under Permit S-31117)

**Use:** IRRIGATION of 55.7 ACRES

**Priority Date:** MAY 27, 1966

**Rate:** 0.70 CUBIC FOOT 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, 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:** WRIGHT'S CREEK, tributary to the MOLALLA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 E	WM	29	SW NE	38	1580 FEET SOUTH AND 1690 FEET EAST FROM THE NORTHERLY NW CORNER OF WRIGHT DLC 38

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 E	WM	20	NE SW	3		1.8
4 S	2 E	WM	20	SE SW	4		10.2
4 S	2 E	WM	20	NW SE			0.8
4 S	2 E	WM	20	SW SE			21.0
4 S	2 E	WM	29	NE NE		38	0.1
4 S	2 E	WM	29	NW NE		38	14.5
4 S	2 E	WM	29	SW NE		38	4.1
4 S	2 E	WM	29	NE NW		38	2.6
4 S	2 E	WM	29	NW SE		38	0.6

7. Transfer Application T-11016 proposes to move the authorized point of diversion to reflect historic use of a point of diversion approximately 1145 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 E	WM	29	NW NE	38	440 FEET SOUTH AND 1635 FEET EAST FROM THE NORTHERLY NW CORNER OF WRIGHT DLC 38

8. Notice of the application for transfer was published on February 23, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

10. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 3, 5, and 7, has been in use for more than 10 years.
11. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
12. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
13. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.

- 15. The proposed changes would not result in enlargement of the rights.
- 16. The proposed changes would not result in injury to other water rights.

***Partial Cancellation of a Water Right***

- 17. On August 23, 2010, an affidavit certifying that an entire water right has been abandoned and requesting cancellation of the right was received from Joseph and Betty Jean Clarizio. The right to be cancelled is as follows:

**Certificate:** 85642 in the name of ARROWHEAD GOLF CLUB (perfected under Permit S-49956)  
**Use:** SUPPLEMENTAL IRRIGATION of 102.7 ACRES  
**Priority Date:** FEBRUARY 9, 1987  
**Rate:** 1.02 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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:** The MOLALLA RIVER, tributary to the WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 E	WM	29	NW NE	38	440 FEET SOUTH AND 1635 FEET EAST FROM THE NORTHERLY NW CORNER OF DLC 38

**Authorized Place of Use to be Cancelled:**

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 E	WM	20	NE SW	3		1.8
4 S	2 E	WM	20	SE SW	4		10.2
4 S	2 E	WM	20	NW SE			0.8
4 S	2 E	WM	20	SW SE			21.0
4 S	2 E	WM	29	NE NE		38	8.9
4 S	2 E	WM	29	NW NE		38	26.6
4 S	2 E	WM	29	SW NE		38	21.6
4 S	2 E	WM	29	SE NE		38	7.2
4 S	2 E	WM	29	NE NW		38	2.6
4 S	2 E	WM	29	NW SE		38	2.0

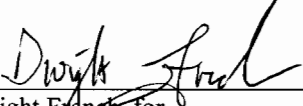
**Conclusions of Law**

The proposed change in points of diversion to reflect historical use in application T-11016 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000 and the abandoned right should be cancelled.

**Now, therefore, it is ORDERED:**

1. The change proposed in T-11016 is approved and effective immediately. The portion of the right that has been abandoned is cancelled.
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 Certificates 20444, 34110, and 36264 and any related decree.
3. Water right certificates 20444, 34110, and 36264 are cancelled.
  - a) Certificate 86716 will be issued to describe the change in points of diversion for the Certificate 20444 included in T-11016.
  - b) Certificate 86717 will be issued to describe the change in points of diversion for the Certificate 34110 included in T-11016.
  - c) Certificate 86718 will be issued to describe the change in points of diversion for the Certificate 36264 included in T-11016.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
5. Water use measurement conditions:
  - a. Prior to October 1, 2012, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
  - b. The water user shall maintain the meter or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to October 1, 2013, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

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

  
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Dwight French, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: NOV 30 2010