



5. On April 12, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12416 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 12, 2017, for the applicant to respond. The applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On May 1, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12416 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 May 9, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The right to be transferred is as follows:

**Certificate:** 37640 in the name of MARLIN W. SCHAAD  
(perfected under Permit G-2224)

**Use:** IRRIGATION of 25.0 ACRES

**Priority Date:** JUNE 4, 1962

**Rate:** 0.31 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:** A WELL, a tributary of CLEAR LAKE (WILLAMETTE RIVER)

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	23	NE NE	990 FEET SOUTH AND 825 FEET WEST FROM THE NE CORNER OF SECTION 23

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	23	NE NE	10.5
6 S	3 W	WM	23	NW NE	1.5
6 S	3 W	WM	23	SW NE	1.5
6 S	3 W	WM	23	SE NE	11.5
TOTAL					25.0

8. A scrivener's error, a 1.0-acre discrepancy, was identified in Certificate 37640. Certificate 37640 should list the number of acres as irrigation of 27.0 acres, rather than irrigation of 26.0 acres.

9. Transfer Application T-12416 proposes to move the authorized point of appropriation approximately 900 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NW	MAIN WELL - 1680 FEET NORTH AND 40 FEET EAST FROM THE W1/4 CORNER OF SECTION 24

**Transfer Review Criteria (OAR 690-380-4010)**

10. 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.
11. 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-12416.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

**Conclusions of Law**

The change in point of appropriation proposed in Transfer Application T-12416 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 Transfer Application T-12416 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 37640 and any related decree.
3. Water right Certificate 37640 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. 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.

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 14 day of June, 2017.



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

Mailing date: JUN 22 2017