

5. On December 21, 2018, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-12882. The draft Preliminary Determination cover letter set forth a deadline of January 20, 2019, for the applicant to respond. On March 19, 2019, the agent for the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On December 30, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12882 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 December 31, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

Certificate: 74137 in the name of DONALD D. WILLIAMS (perfected under Permit G-7809)

Use: IRRIGATION OF 68.6 ACRES

Priority Date: SEPTEMBER 7, 1977

Rate: 0.86 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, 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
14 S	12 E	WM	6	SW SE	230 FEET NORTH AND 1870 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
14 S	12 E	WM	6	SW NE	11.2
14 S	12 E	WM	6	SE NE	3.0
14 S	12 E	WM	6	NE SE	24.2
14 S	12 E	WM	6	NW SE	24.0
14 S	12 E	WM	6	SW SE	3.0
14 S	12 E	WM	6	SE SE	3.2
TOTAL:					68.6

8. Transfer Application T-12882 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
14 S	12 E	WM	6	SW NE	9.5
14 S	12 E	WM	6	SE NE	3.6
14 S	12 E	WM	6	NE SE	23.3
14 S	12 E	WM	6	NW SE	24.0
14 S	12 E	WM	6	SW SE	4.3
14 S	12 E	WM	6	SE SE	3.9
TOTAL:					68.6

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years prior to the submittal of Transfer Application T-12882 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.
10. A well, 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-12882.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

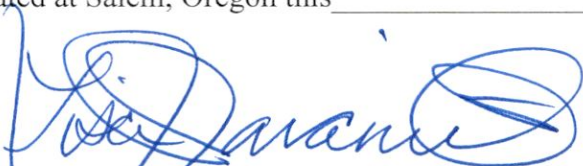
The change in place of use proposed in Transfer Application T-12882 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-12882 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 74137 and any related decree.
3. A portion of the water right evidenced by Permit G-13535 that is layered with a portion of the proposed "From" lands, described in Findings of Fact #4 and #5, will be cancelled at the time of proof.
4. Water right Certificate 74137 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.

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 point of appropriation (new and/or existing) appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The former place of use of the transferred right, as modified herein, shall no longer receive water under the right.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this FEB 20 2020.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

FEB 21 2020

Mailing date: _____