



consent to injury of the instream water right pursuant to OAR 690-380-5030, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

5. On November 13, 2014, the Department issued a Preliminary Determination proposing to deny Transfer Application T-11478 unless ODFW and DEQ recommend consent to injury, and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 18, 2014 and in the McMinnville News Register newspaper on November 21 and 28, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
6. On November 14, 2014, requests were sent to ODFW and DEQ for recommendations concerning consent to injury of instream water rights under Certificates 72978 and 80357.
7. On January 22, 2015 and February 10, 2015 recommendations were received from ODFW and DEQ in favor of consent to injury of the instream water rights.
8. Notice of the agencies' recommendations was published on February 24, 2015, pursuant to OAR 690-380-5050. No comments or requests for a public meeting were filed in response to the notice.
9. ODFW and DEQ recommendations stated that the consent to injury should be contingent upon approval of Transfer Application T-11876 point of diversion and place of use change. And ODFW has determined that a fish screen is required at the new point of diversion prior to prior to the diverting of the water.
10. On March 30, 2015, the Department issued a Final Order, recorded at Special Order Volume 95, Pages 332-344, approving transfer application T-11478, and issuing remaining right Certificates 90045, 90046, 90047, 90048, 90049, 90050, and 90051.
11. On September 28, 2016, scriveners' errors were discovered in the description of the place use on multiple certificates and the remaining right certificates were issued in error. This order is issued to correct the scrivener's errors and supersedes the previous order recorded at Special Order Volume 95, Pages 332-344, and should cancel remaining right Certificates 90045, 90046, 90047, 90048, 90049, 90050, and 90051. All changes can be found in **bold**.
12. The first right to be transferred is as follows:

**Certificate:** 16716 in the name of MERL C. BROWN (perfected under Permit S-15807)  
**Use:** IRRIGATION of **30.0 ACRES**  
**Priority Date:** MAY 4, 1944  
**Rate:** **0.38 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
5 S	5 W	WM	35	NW SW	71

**Authorized Place of Use:**

IRRIGATION						Acres	
Twp	Rng	Mer	Sec	Q-Q	DLC	APOD	POU/APOD
5 S	5 W	WM	34	SE NE	71		12.8
5 S	5 W	WM	34	NE SE	71	6.5	
5 S	5 W	WM	35	SW NW	71		1.1
5 S	5 W	WM	35	NW SW	71	0.7	8.9
Total						7.2	22.8

13. Certificate 16716 does not provide measured distances for the location of the point of diversion. Based upon additional information provided by the applicant, for purposes of this transfer application, the point of diversion may be more accurately located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	35	NW SW	71	POD 4: 1960 FEET NORTH AND 340 FEET EAST FROM THE SW CORNER OF SECTION 35

14. Transfer Application T-11478 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	34	NE SE		71	26.1
5 S	5 W	WM	34	NE SE			0.8
5 S	5 W	WM	34	SE SE	2		2.0
5 S	5 W	WM	35	NW SW		71	1.1
Total							30.0

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

**Certificate:** 19861 in the name of HARRY CROWE (perfected under Permit S-17684)  
**Use:** IRRIGATION of 30.0 ACRES  
**Priority Date:** APRIL 18, 1947  
**Rate:** 0.38 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
5 S	5 W	WM	34	NW SE	71
5 S	5 W	WM	35	NW SW	71

**Authorized Place of Use:**

IRRIGATION						Acres	
Twp	Rng	Mer	Sec	Q-Q	DLC	APOD	POU/APOD
5 S	5 W	WM	34	SW NE	71		5.0
5 S	5 W	WM	34	NE SE	71	1.0	9.6
5 S	5 W	WM	34	NW SE	71	14.4	
Total						15.4	14.6

16. Certificate 19861 does not provide measured distances for the location of the points of diversion. Based upon additional information provided by the applicant, for purposes of this transfer application, the point of diversion may be more accurately located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	34	NW SE	71	POD 2: 1750 FEET NORTH AND 2240 FEET WEST FROM THE SE CORNER OF SECTION 34
5 S	5 W	WM	35	NW SW	71	POD 4: 1960 FEET NORTH AND 340 FEET EAST FROM THE SW CORNER OF SECTION 35

17. Transfer Application T-11478 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	34	NE SE	71	6.5
5 S	5 W	WM	34	NE SE		0.4
5 S	5 W	WM	34	NW SE	71	22.9
5 S	5 W	WM	34	NW SE		0.2
Total						30.0

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

**Certificate:** 22486 in the name of HARRY F. CROWE (perfected under Permit S-19363)

**Use:** IRRIGATION of 28.0 ACRES

**Priority Date:** MARCH 31, 1950

**Rate:** 0.35 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot
5 S	5 W	WM	34	SE SE	2

**Authorized Place of Use:**

IRRIGATION						Acres	
Twp	Rng	Mer	Sec	Q-Q	DLC	APOD	POU/APOD
5 S	5 W	WM	34	SW NE	71	17.1	
5 S	5 W	WM	34	SE NE	71	4.0	
5 S	5 W	WM	34	NE SE	71	3.8	
5 S	5 W	WM	34	NW SE	71	2.5	0.6
Total						27.4	0.6

19. Certificate 22486 does not provide measured distances for the location of the point of diversion. Based upon additional information provided by the applicant, for purposes of this transfer application, the point of diversion may be more accurately located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	34	SE SE	2	POD 3: 1300 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 34

20. Transfer Application T-11478 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	34	SW NE	71	17.7
5 S	5 W	WM	34	SE NE	71	4.0
5 S	5 W	WM	34	NE SE	71	3.8
5 S	5 W	WM	34	NW SE	71	2.5
Total						28.0

21. The portion of the fourth right to be transferred is as follows:

**Certificate:** 47042 in the name of CRIMSON WEST FARM, INC. BY GLEN A. CHRISTENSEN (perfected under Permit S-39059)

**Use:** IRRIGATION of **68.2 ACRES**

**Priority Date:** MAY 7, 1974 for **0.3** c.f.s. and JUNE 3, 1974 for **0.55** c.f.s.

**Rate:** **0.85** 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	35	NW SW	1	2100 FEET NORTH AND 840 FEET EAST FROM THE SW CORNER OF SECTION 35

**Authorized Place of Use:**

IRRIGATION								Acres	
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	APOD	POU/APOD	
5 S	5 W	WM	34	SE NE		71	16.4		
5 S	5 W	WM	34	NE SE		71		1.0	
5 S	5 W	WM	35	NE NW		71		0.9	
5 S	5 W	WM	35	NW NW		71		2.5	
5 S	5 W	WM	35	SW NW		71	31.2	4.1	
5 S	5 W	WM	35	SE NW		71		2.7	
5 S	5 W	WM	35	SE NW	2			6.0	
5 S	5 W	WM	35	NW SW		71	0.9	2.5	
Total							48.5	19.7	

22. Certificate 47042 provides measured distances for the location of the point of diversion. However, based upon additional information provided by the applicant, for purposes of this transfer application, the point of diversion may be more accurately located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	35	NW SW	1	POD 6: 2240 FEET NORTH AND 840 FEET EAST FROM THE SW CORNER OF SECTION 35

23. Transfer Application T-11478 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	34	SE NE	71	29.2
5 S	5 W	WM	35	SW NW	71	33.6
5 S	5 W	WM	35	NW SW	71	5.4
Total						68.2

24. The fifth right to be transferred is as follows:

**Certificate:** 49960 in the name of CRIMSON WEST FARMS, INC. (perfected under Permit S-40859)  
**Use:** IRRIGATION of 29.5 ACRES  
**Priority Date:** JULY 6, 1976  
**Rate:** 0.37 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	5 W	WM	26	NE SW	5	*1340 FEET NORTH AND 1540 FEET EAST FROM THE SW CORNER OF SECTION 26

\*For purposes of this transfer application this POD will be named POD 9

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	26	NE SW		73	1.1
5 S	5 W	WM	26	NE SW	5		3.1
5 S	5 W	WM	26	NW SW		73	25.3
Total							29.5

25. The sixth right to be transferred is as follows:

**Certificate:** 49961 in the name of CRIMSON WEST FARMS, INC. (perfected under Permit S-40860)

**Use:** IRRIGATION of 60.0 ACRES

**Priority Date:** JULY 6, 1976

**Rate:** 0.75 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	34	SE SW	50 FEET SOUTH AND 120 FEET EAST FROM THE SW CORNER OF HAMPTON DLC 71

**Authorized Place of Use:**

IRRIGATION							Acres	
Twp	Rng	Mer	Sec	Q-Q	DLC	APOD	POU/APOD	
5 S	5 W	WM	34	SW NE	71	5.9		
5 S	5 W	WM	34	SE NW	71	12.4		
5 S	5 W	WM	34	NE SW		0.5	0.2	
5 S	5 W	WM	34	NE SW	71	31.5	0.5	
5 S	5 W	WM	34	SE SW		1.7	0.7	
5 S	5 W	WM	34	NW SE			0.1	
5 S	5 W	WM	34	NW SE	71	5.4	1.1	
Total						57.4	2.6	

26. Certificate 49961 provides measured distances for the location of the point of diversion. However, based upon additional information provided by the applicant, for purposes of this transfer application, the point of diversion may be more accurately located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	34	NE SW	POD 1: 20 FEET SOUTH AND 200 FEET EAST FROM THE SW CORNER OF DLC 71

27. Transfer Application T-11478 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	34	SW NE	71	8.3
5 S	5 W	WM	34	SE NE	71	0.2
5 S	5 W	WM	34	SE NW	71	12.4
5 S	5 W	WM	34	NW SE	71	5.4
5 S	5 W	WM	34	NE SW	71	31.5
5 S	5 W	WM	34	NE SW		0.5
5 S	5 W	WM	34	SE SW		1.7
Total						60.0

28. The seventh right to be transferred is as follows:

**Certificate:** 50648 in the name of CRIMSON WEST FARMS, INC. (perfected under Permit S-42508)  
**Use:** IRRIGATION of 95.0 ACRES  
**Priority Date:** MAY 4, 1977  
**Rate:** 1.19 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, 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER



**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
5 S	5 W	WM	35	NW NW		71	*330 FEET SOUTH AND 1160 FEET EAST FROM THE NW CORNER OF SECTION 35
5 S	5 W	WM	26	NE SW	5		**1340 FEET NORTH AND 1540 FEET EAST FROM THE SW CORNER OF SECTION 26

\*For purposes of this transfer application this POD will be named POD 7

\*\*For purposed of this transfer application this POD will be named POD 9

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	26	SW NW		73	25.4
5 S	5 W	WM	26	SE NW		73	10.6
5 S	5 W	WM	26	NE SW		73	1.1
5 S	5 W	WM	26	NE SW	5		1.3
5 S	5 W	WM	26	NW SW		73	4.8
5 S	5 W	WM	26	SW SW		71	2.3
5 S	5 W	WM	27	SE SE		71	4.4
5 S	5 W	WM	34	NE NE		71	22.0
5 S	5 W	WM	35	NW NW		71	23.1
Total							95.0

29. The eighth right to be transferred is as follows:

**Certificate:** 64516 in the name of CRIMSON WEST FARMS, INC. (perfected under Permit S-43966)

**Use:** IRRIGATION of 179.1 ACRES

**Priority Date:** FEBRUARY 28, 1979

**Rate:** 2.24 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation under this right, 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) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Source:** SOUTH YAMHILL RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	34	SE SW	20 FEET SOUTH AND 200 FEET EAST FROM THE SW CORNER OF DLC 71

**Authorized Place of Use:**

IRRIGATION							Acres	
Twp	Rng	Mer	Sec	Q-Q	DLC	APOD	POU/APOD	
5 S	5 W	WM	34	NW NE	71	5.1	0.7	
5 S	5 W	WM	34	NE NW	71	18.9	15.1	
5 S	5 W	WM	34	NW NW		38.6		
5 S	5 W	WM	34	SW NW		40.0		
5 S	5 W	WM	34	SE NW	71	20.1		
5 S	5 W	WM	34	NE SW	71	2.0		
5 S	5 W	WM	34	NW SW		37.6	1.0	
Total						162.3	16.8	

30. Certificate 64516 provides the location of the point of diversion. However, based upon additional information provided by the applicant, for purposes of this transfer application, the point of diversion may be more accurately located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	34	NE SW	POD 1: 20 FEET SOUTH AND 200 FEET EAST FROM THE SW CORNER OF DLC 71

31. Transfer Application T-11478 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	34	NW NE	71	10.3
5 S	5 W	WM	34	SW NE	71	11.4
5 S	5 W	WM	34	SE NE	71	0.2
5 S	5 W	WM	34	NE NW	71	18.9
5 S	5 W	WM	34	NW NW		38.6
5 S	5 W	WM	34	SW NW		40.0
5 S	5 W	WM	34	SE NW	71	20.1
5 S	5 W	WM	34	NE SW	71	2.0
5 S	5 W	WM	34	NW SW		37.6
Total						179.1

32. The ninth right to be transferred is as follows:

**Certificate:** 87465 in the name of CRIMSON WEST FARMS INC. (perfected under Permit S-47681)  
**Use:** IRRIGATION of 158.8 ACRES  
**Priority Date:** JULY 8, 1983  
**Rate:** 1.97 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:** SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	26	SW SW	71	POD 1: 860 FEET NORTH AND 1090 FEET EAST FROM THE SW CORNER OF SECTION 26
5 S	5 W	WM	34	SE SW		POD 3: 20 FEET SOUTH AND 200 FEET EAST FROM THE SW CORNER OF DLC 71
5 S	5 W	WM	35	NW NW	71	POD 2: 240 FEET SOUTH AND 1080 FEET EAST FROM THE SW CORNER OF SECTION 26

**Authorized Place of Use:**

IRRIGATION							Acres	
Twp	Rng	Mer	Sec	Q-Q	DLC	APOD	POU/APOD	
5 S	5 W	WM	26	NW SW	73	4.8		
5 S	5 W	WM	26	NW SW	71	0.7		
5 S	5 W	WM	26	SW SW	71	19.8		
5 S	5 W	WM	27	SW NE	73	1.3		
5 S	5 W	WM	27	SE NE	73	23.5		
5 S	5 W	WM	27	NE SE	73	36.9		
5 S	5 W	WM	27	NE SE	71	1.0		
5 S	5 W	WM	27	NW SE	73	2.8		
5 S	5 W	WM	27	NW SE	71	0.1		
5 S	5 W	WM	27	SW SE	71	2.9		
5 S	5 W	WM	27	SE SE	71	27.1		
5 S	5 W	WM	34	NE NE	71	15.4		
5 S	5 W	WM	34	NW NE	71	3.6		
5 S	5 W	WM	34	SW NE	71	0.2		
5 S	5 W	WM	34	SE NE	71	5.8		
5 S	5 W	WM	34	SE SW		4.5	0.6	
5 S	5 W	WM	34	SW SE		5.7	2.1	
Total						156.1	2.7	

33. Certificate 87465 provides the location of the points of diversion. However, based upon additional information provided by the applicant, for purposes of this transfer application, the points of diversion may be more accurately located as follows:

Twp	Rng	Mer	Sec	Q-Q	Original POD #	DLC	Measured Distances
5 S	5 W	WM	26	SW SW	1	71	POD 8: 860 FEET NORTH AND 1090 FEET EAST FROM THE SW CORNER OF SECTION 26
5 S	5 W	WM	34	NE SW	3	71	POD 1: 20 FEET SOUTH AND 200 FEET EAST FROM THE SW CORNER OF DLC 71
5 S	5 W	WM	35	NW NW	2	71	POD 7: 330 FEET SOUTH AND 1160 FEET EAST FROM THE NW CORNER OF SECTION 35

34. Transfer Application T-11478 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	26	NW SW	73	4.8
5 S	5 W	WM	26	NW SW	71	0.7
5 S	5 W	WM	26	SW SW	71	19.8
5 S	5 W	WM	27	SW NE	73	1.3
5 S	5 W	WM	27	SE NE	73	23.5
5 S	5 W	WM	27	NE SE	73	36.9
5 S	5 W	WM	27	NE SE	71	1.0
5 S	5 W	WM	27	NW SE	73	2.8
5 S	5 W	WM	27	NW SE	71	0.1
5 S	5 W	WM	27	SW SE	71	2.9
5 S	5 W	WM	27	SE SE	71	27.1
5 S	5 W	WM	34	NE NE	71	15.4
5 S	5 W	WM	34	NW NE	71	6.3
5 S	5 W	WM	34	SW NE	71	0.2
5 S	5 W	WM	34	SE NE	71	5.8
5 S	5 W	WM	34	SE SW		4.5
5 S	5 W	WM	34	SW SE		5.7
Total						158.8

35. Transfer Application T-11478 proposes an additional point of diversion to Water Right Certificates 16716, 19861, 22486, 47042, 49960, 49961, 50648, 64516 and 87465, described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	35	NW SW	71	POD 5: 2180 FEET NORTH AND 510 FEET EAST FROM THE SW CORNER OF SECTION 35

36. Transfer Application T-11478 proposes an additional point of diversion with approximate distances from the existing points of diversion identified as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from POD #5
5 S	5 W	WM	34	NE SW	POD 1: 20 FEET SOUTH AND 200 FEET EAST FROM THE SW CORNER OF DLC 71	1.8 miles downstream
5 S	5 W	WM	34	NW SE	POD 2: 1750 FEET NORTH AND 2240 FEET WEST FROM THE SE CORNER OF SECTION 34	1.0 mile downstream
5 S	5 W	WM	34	SE SE	POD 3: 1300 FEET NORTH AND 310 FEET WEST FROM THE SE CORNER OF SECTION 34	0.4 mile downstream
5 S	5 W	WM	35	NW SW	POD 4: 1960 FEET NORTH AND 340 FEET EAST FROM THE SW CORNER OF SECTION 35	273 feet downstream
5 S	5 W	WM	35	NW SW	POD 6: 2240 FEET NORTH AND 840 FEET EAST FROM THE SW CORNER OF SECTION 35	337 feet upstream
5 S	5 W	WM	35	NW NW	POD 7: 330 FEET SOUTH AND 1160 FEET EAST FROM THE NW CORNER OF	1.2 miles upstream

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from POD #5
					SECTION 35	
5 S	5 W	WM	26	SW SW	POD 8: 860 FEET NORTH AND 1090 FEET EAST FROM THE SW CORNER OF SECTION 26	1.8 miles upstream
5 S	5 W	WM	26	NE SW	POD 9: 1340 FEET NORTH AND 1540 FEET EAST FROM THE SW CORNER OF SECTION 26	1.9 miles upstream

37. The Oregon Department of Fish and Wildlife (ODFW) 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 not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

38. 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 record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
39. A pump, pipeline, and sprinkler system 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-11478.
40. The proposed changes would not result in enlargement of the rights.
41. Instream water rights, Certificate 72978 and 80357, exists for the reach of the river in which the additional point of diversion for Certificates 47042, 49960, 50648 and 87465, would be located upstream, and stream flows within the reach are frequently below the levels allocated under the instream water rights. Thus, the instream water rights would be injured as a result of the additional point of diversion associated with Certificates 47042, 49960, 50648, and 87465.
42. The reach of the river between the existing points of diversion and the additional point of diversion is within the reach of instream water rights located on the South Yamhill River described on Certificates 72978 and 80357.

**Conclusion of Law**

Based on the recommendation of the Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality, the Department consents to injury of the instream water right evidenced by Certificates 72978 and 80357. The additional point of diversion and changes in place of use proposed in Transfer Application T-11478 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000, 690-380-5030 and 690-380-5050.

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

1. The order recorded at Special Order Volume 95, Pages 332-344, is withdrawn and of no further force or effect and is superseded by this order.
2. Certificates 90045, 90046, 90047, 90048, 90049, 90050, and 90051 are cancelled.
3. The additional point of diversion and changes in place of use proposed in Transfer Application T-11478 are approved.
4. 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 16716, 19861, 22486, 47042, 49960, 49961, 50648, 64516 and 87465 and any related decree.
5. Water right Certificates 16716, 19861, 22486, 47042, 49960, 49961, 50648, 64516 and 87465 are cancelled.
6. The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
7. 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 diversion (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
8. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from ODFW that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If 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.
9. The former place of use of the transferred rights shall no longer receive water under the rights.

10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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 changes and full beneficial use of the water.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 17 day of October, 2016.

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

Mailing date: OCT 21 2016

Handwritten scribbles and faint lines, possibly a signature or initials.

10/1/20