

5. On December 16, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12496 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 15, 2017, for the applicants to respond. The applicants 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 January 31, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12496 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 7, 2017, and in the Roseburg News Review newspaper on February 10 and 17, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
7. The first right to be transferred is as follows:

Certificate: 35454 in the name of BYRON BELMONT (perfected under Permit S-31172)
Use: IRRIGATION of 18.5 ACRES
Priority Date: JANUARY 5, 1966
Rate: 0.23 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 UMPQUA RIVER, tributary of UMPQUA RIVER

Authorized Point of Diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	4	SE NW	7	4330 FEET NORTH AND 300 FEET EAST FROM THE INTERIOR CORNER ON THE WEST BOUNDRY OF MCKINNEY DLC 50

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
27 S	6 W	WM	4	NE NW	8		0.1
27 S	6 W	WM	4	SE NW	7		1.5
27 S	6 W	WM	4	SE NW		50	6.0
27 S	6 W	WM	4	NE SW		50	8.4
27 S	6 W	WM	4	SE SW		50	2.5
Total							18.5

8. Certificate 35454 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.

9. Transfer Application T-12496 proposes additional points of diversion, described as follows, with the approximate distances downstream from the existing point of diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
27 S	6 W	WM	4	NE NW	7	POD 1 – 1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER OF SECTION 4	534 feet
27 S	6 W	WM	4	NE NW	8	POD 2 – 1080 FEET SOUTH AND 2175 FEET EAST FROM THE NW CORNER OF SECTION 4	756 feet
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5	0.8 mile

10. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

11. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
12. The total volume of water that may be diverted for Quasi-Municipal uses is 46.25 acre-feet March 1 through October 31. ($2.5 \times 18.5 = 46.25$).
13. The portion of the second right to be transferred is as follows:

Certificate: 43742 in the name of FRANK GUIDO (perfected under Permit S-23462)
Use: IRRIGATION of 21.2 ACRES
Priority Date: MARCH 24, 1955
Rate: 0.27 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 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 UMPQUA RIVER, tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot
27 S	6 W	WM	4	NE NW	8

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	6 W	WM	4	SW NW		4.9
27 S	6 W	WM	4	SE NW	9	0.5
27 S	6 W	WM	4	NE SW	10	6.3
27 S	6 W	WM	4	NW SW		9.5
Total						21.2

14. Information is available from the applicant and Certified Water Right Examiner indicating that the point of diversion is more accurately described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	4	NE NW	7	1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER OF SECTION 4

15. Certificate 43742 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.
16. Transfer Application T-12496 proposes additional points of diversion, described as follows, with the approximate distances downstream from the existing point of diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
27 S	6 W	WM	4	NE NW	7	POD 1 – 1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER OF SECTION 4	0 feet
27 S	6 W	WM	4	NE NW	8	POD 2 – 1080 FEET SOUTH AND 2175 FEET EAST FROM THE NW CORNER OF SECTION 4	273 feet
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mile

17. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

18. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
19. The total volume of water that may be diverted for Quasi-Municipal uses is 53.0 acre-feet March 1 through October 31. (2.5 x 21.2 = 53.0).
20. The portion of the third right to be transferred is as follows:

Certificate: 49020 in the name of DUANE CONN (perfected under Permit S-40668)
Use: IRRIGATION of 33.8 ACRES
Priority Date: JUNE 1, 1976
Rate: 0.42 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 UMPQUA RIVER, tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	6 W	WM	32	SE SE	*100 FEET NORTH AND 540 FEET WEST FROM THE SE CORNER OF SECTION 32

*Known as POD 6

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
27 S	6 W	WM	5	NE SE		15.6	USE, POU, POD
27 S	6 W	WM	5	SE SE		5.3	USE, POU, POD
27 S	6 W	WM	5	SE SE		11.7	APOD ONLY
27 S	6 W	WM	8	NE NE	1	1.2	APOD ONLY
Total APOD Change						12.9	
Total USE and POU and POD Change						20.9	

*Type of Changes: USE=Character of Use, POU=Place of Use, POD=Point of Diversion, APOD=Additional Point of Diversion

21. Certificate 49020 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.

22. Transfer Application T-12496 proposes to move the authorized point of diversion and an additional point of diversion, approximately 163 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

23. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

24. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.

25. The total volume of water that may be diverted for Quasi-Municipal uses is 52.25 acre-feet March 1 through October 31. (2.5 x 20.9 = 52.25).

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

Certificate: 49118 in the name of STEPHAN BLAKE CONN (perfected under Permit S-38567)

Use: IRRIGATION of 8.6 ACRES

Priority Date: MAY 1, 1975

Rate: 0.11 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 UMPQUA RIVER, tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	6 W	WM	32	SE SE	110 FEET NORTH AND 490 FEET WEST FROM THE SE CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	6 W	WM	32	SE SE		0.4
27 S	6 W	WM	5	NE NE	1	8.2
Total						8.6

27. Certificate 49118 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.

28. Transfer Application T-12496 proposes to move the authorized point of diversion approximately 205 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

29. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

30. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.

31. The total volume of water that may be diverted for Quasi-Municipal uses is 21.5 acre-feet March 1 through October 31. (2.5 x 8.6 = 21.5).

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

- Certificate:** 61946 in the name of LAURANCE'S GARDENS (perfected under Permit S-45253)
- Use:** IRRIGATING 37.8 ACRES
- Priority Date:** JULY 31, 1980
- Rate:** 0.47 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 UMPQUA RIVER, tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	600 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
27 S	6 W	WM	5	NE SE	18.2	USE, POU, POD
27 S	6 W	WM	5	SE SE	5.7	USE, POU, POD
27 S	6 W	WM	5	SE SE	12.5	APOD ONLY
27 S	6 W	WM	8	NE NE	1.4	APOD ONLY
Total APOD Change					13.9	
Total USE and POU and POD Change					23.9	

33. Certificate 49118 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.
34. Transfer Application T-12496 proposes to move the authorized point of diversion and add an additional point of diversion, as described in Finding of Fact No. 30, approximately 163 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

35. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

36. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
37. The total volume of water that may be diverted for Quasi-Municipal uses is 59.75 acre-feet March 1 through October 31. (2.5 x 23.9 = 59.75).
38. The portion of the sixth right to be transferred is as follows:

Certificate: 91507 in the name of DOUGLAS COUNTY PUBLIC WORKS (perfected under Permit S-52930)

Use: SUPPLEMENTAL IRRIGATION OF 18.5 ACRES

Priority Date: SEPTEMBER 26, 1990

Rate: 53.0 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, is limited to a diversion of ONE-EIGHTIETH, of one cubic foot per second (or its equivalent) 2.5 acre-feet within the South Umpqua basin for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER IN THE SOUTH UMPQUA SUBBASIN

Source: GALESVILLE RESERVOIR, CONSTRUCTED UNDER PERMIT R-9964, tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	4	SE NW	1	1620 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 4

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION FROM GALESVILLE RESERVOIR WITHIN THE SOUTH UMPQUA RIVER SUBBASIN							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
27 S	6 W	WM	4	NE NW	8		0.1
27 S	6 W	WM	4	SE NW	1		1.5
27 S	6 W	WM	4	SE NW		50	6.0
27 S	6 W	WM	4	NE SW		50	8.4
27 S	6 W	WM	4	SE SW		50	2.5
Total							18.5

39. Transfer Application T-12496 proposes to move the point of diversion, described as follows, with the approximate distances downstream from the existing point of diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
27 S	6 W	WM	4	NE NW	7	POD 1 – 1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER OF SECTION 4	534 feet
27 S	6 W	WM	4	NE NW	8	POD 2 – 1080 FEET SOUTH AND 2175 FEET EAST FROM THE NW CORNER OF SECTION 4	756 feet

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5	0.8 mile

40. Transfer Application T-12496 also proposes to change the place of use of the right to:

IRRIGATION				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

- 41. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
- 42. The total volume of water that may be diverted for Quasi-Municipal uses is 46.25 acre-feet March 1 through October 31. (2.5 x 18.5 = 46.25).
- 43. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new points 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)]

- 44. 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 rights are subject to forfeiture under ORS 540.610.
- 45. 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-12496.
- 46. The proposed changes, as conditioned, would not result in enlargement of the rights.
- 47. The proposed changes, as conditioned, would not result in injury to other water rights.

Conclusions of Law

The change in points of diversion and additional points of diversion and change in place of use and change in character of use proposed in Transfer Application T-12496 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of diversion and additional points of diversion and change in place of use and change in character of use proposed in Transfer Application T-12496 are approved.
2. The period of use is limited to the irrigation season of March 1 through October 31.
3. 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 35454, 43742, 49020, 49118, 61946 and 91507 and any related decree.
4. Water right Certificates 35454, 43742, 49020, 49118, 61946 and 91507 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
5. The use of water under the right described by Certificate 35454 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.23 cfs and further limited to a total quantity of water diverted of 46.25 acre-feet during the irrigation season March 1 through October 31.
6. The use of water under the right described by Certificate 43742 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.27 cfs and further limited to a total quantity of water diverted of 53.0 acre-feet during the irrigation season March 1 through October 31.
7. The use of water under the right described by Certificate 49020 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.26 cfs and further limited to a total quantity of water diverted of 52.25 acre-feet during the irrigation season March 1 through October 31.
8. The use of water under the right described by Certificate 49118 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.11 cfs and further limited to a total quantity of water diverted of 21.5 acre-feet during the irrigation season March 1 through October 31.
9. The use of water under the right described by Certificate 61946 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.30 cfs and further limited to a total quantity of water diverted of 59.75 acre-feet during the irrigation season March 1 through October 31.
10. The use of water under the right described by Certificate 91507 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.23 cfs and further limited to a total

quantity of water diverted of 46.25 acre-feet during the irrigation season March 1 through October 31.

11. The quantity of water diverted at the new points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
12. The quantity of water diverted at the additional points 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.
13. 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.
14. Reservoir water use measurement:
 - a. **Before water use may begin** under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.
 - b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.
15. 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 Oregon Department of Fish and Wildlife (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.
16. The former place of use of the transferred rights shall no longer receive water under the rights, except for quasi-municipal use as modified by this order.
17. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

18. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 20 day of March, 2017.



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

Mailing date: MAR 29 2017