

6. On July 7, 2017 the applicant responded by email and accepted the revised draft Preliminary Determination.
7. On October 2, 2017 the Department issued a Preliminary Determination proposing to approve Transfer T-12278 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 October 17, 2017, and in The Lake County Examiner newspaper on October 18 and 25, 2017. No protests were filed in response to the notice.
8. The portion of the right to be transferred is as follows:

Certificate: 65633 in the name of R.T. RENNER (perfected under Permit S-22471)
Use: FOR THE PURPOSE OF IRRIGATING 168.6 ACRES FROM DREWS CREEK SLOUGH AND 39.5 ACRES FROM DREWS CREEK AND DREWS CREEK SLOUGH
Priority Dates: SEPTEMBER 8, 1941 FOR 3.34 CUBIC FEET PER SECOND (CFS) AND MAY 20, 1953 FOR 0.63 CFS
Rate: 2.68 CFS being 0.55 from Drews Creek, and 2.13 from Drew Creek Slough
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-FORTIETH 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 and shall be further limited to a diversion of not to exceed 2.68 CFS.
Sources: DREWS CREEK AND DREWS CREEK SLOUGH, tributaries of GOOSE LAKE

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	19 E	WM	20	SE NW	POD 1 - NORTH 28 DEGREES 36 MINUTES EAST, 3654.3 FEET FROM THE SW CORNER OF SECTION 20
40 S	19 E	WM	20	SW NE	POD 2 - NORTH 35 DEGREES 41 MINUTES 30 SECONDS EAST, 4803 FEET FROM THE SW CORNER OF SECTION 20
40 S	19 E	WM	20	NE SE	POD 3 - NORTH 16 DEGREES 31 MINUTES WEST, 1931.9 FEET FROM THE SE CORNER OF SECTION 20
40 S	19 E	WM	20	NE SE	POD 4 - NORTH 5 DEGREES 12 MINUTES EAST, 148.5 FEET FROM THE DREWS CREEK HEADGATE 2 IN SECTION 20

Authorized Place of Use:

IRRIGATION						
DREWS CREEK AND DREWS CREEK SLOUGH						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
40 S	19 E	WM	20	NE SE	4.70	1941
40 S	19 E	WM	21	NW SW	8.60	1953
40 S	19 E	WM	21	SW SW	16.00	1941
40 S	19 E	WM	21	SE SW	10.20	1941
Total					39.50	

IRRIGATION						
DREWS CREEK SLOUGH						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
40 S	19 E	WM	20	SE NW	5.20	1941
40 S	19 E	WM	20	NE SW	20.00	1941
40 S	19 E	WM	20	NE SW	10.00	1953
40 S	19 E	WM	20	SE SW	22.00	1941
40 S	19 E	WM	20	NW SE	10.00	1941
40 S	19 E	WM	20	NW SE	20.40	1953
40 S	19 E	WM	20	SW SE	30.00	1941
40 S	19 E	WM	20	SW SE	5.00	1953
40 S	19 E	WM	20	SE SE	30.00	1941
40 S	19 E	WM	20	SE SE	4.00	1953
40 S	19 E	WM	21	SW SW	12.00	1941
Total					168.60	

9. Transfer Application T-12291 proposes additional points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Point of Diversion
40 S	19 E	WM	22	NE SW	POD 5 - 2490 FEET NORTH AND 2466 FEET EAST FROM THE SW CORNER OF SECTION 22	POD 1 – 2.0 Miles POD 2 – 2.2 Miles POD 3 – 1.6 Miles POD 4 – 1.6 Miles
40 S	19 E	WM	27	NE NW	POD 6 - 75 FEET SOUTH AND 2230 FEET EAST FROM THE SW CORNER OF SECTION 22	POD 1 – 2.1 Miles POD 2 – 2.2 Miles POD 3 – 1.6 Miles POD 4 – 1.6 Miles

10. Transfer Application T-12291 also proposes to change the place of use of the right to:

IRRIGATION						
DREWS CREEK AND DREWS CREEK SLOUGH						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
40 S	19 E	WM	27	NW NE	11.98	1941
40 S	19 E	WM	27	NW NE	8.60	1953
40 S	19 E	WM	27	NE NW	9.02	1941
40 S	19 E	WM	27	SE NW	9.90	1941
Total					39.50	

IRRIGATION						
DREWS CREEK SLOUGH						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
40 S	19 E	WM	22	SW NE	18.87	1941
40 S	19 E	WM	22	SE NE	30.95	1941
40 S	19 E	WM	22	NE SW	2.72	1941
40 S	19 E	WM	22	NE SE	32.09	1941
40 S	19 E	WM	22	NW SE	39.19	1941
40 S	19 E	WM	22	SW SE	2.73	1941
40 S	19 E	WM	22	SE SE	2.65	1941
40 S	19 E	WM	22	SE SE	5.88	1953
40 S	19 E	WM	27	NW NE	10.73	1953
40 S	19 E	WM	27	SW NE	22.79	1953
Total					168.60	

11. 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. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

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

12. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12278.
14. The proposed changes as conditioned would not result in enlargement of the right.
15. The proposed changes would not result in injury to other water rights.

Conclusions of Law

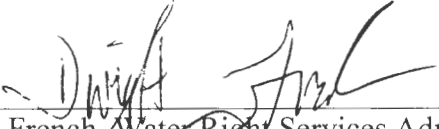
The additional points of diversion and change in place of use proposed in Transfer Application T-12278 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now therefore it is ordered

1. The additional points of diversion and change in place of use proposed in Transfer Application T-12278 are 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 65633 and any related decree.
3. Water right Certificate 65633 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 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.
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 new point of diversion.
 - 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.
6. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
7. By October 1, 20__ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20__. The water user shall provide to 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 maintain and operate 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.

8. The former place of use of the transferred right shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 30 day of November, 2017.



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

Mailing date: DEC 05 2017