

in order to convey water to the proposed places of use, information regarding the delivery system was missing, there was an additional landowner who either needed to be added to the application or submit a consent form and an additional \$100 in fees is required. The Department requested that the deficiencies be resolved by November 6, 2015.

6. After review of the transfer application, it was determined that Certificate 44889 is pertinent and included in this transfer and Certificate 65746 is not pertinent, nor included in this transfer.
7. On October 6, 2015, the applicant met with the transfer caseworker and reviewed the deficiency letter. The applicant amended application pages to resolve the majority of the deficiencies. As part of the resolution, it was confirmed that the application involves Certificates 65744 and 44889 and that a point of diversion change needs to be included for Certificate 65744.
8. Since a different certificate was determined to be involved in the transfer, the Notice of the application for transfer was published on October 13, 2015, with the corrected certificate numbers, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On October 14, 2015, the applicant submitted documentation resolving the remaining deficiencies. JANICE FROST was added to the application as an applicant.
10. The portion of the first right to be temporarily transferred is as follows:

Certificate: 44889 in the name of C. A. TWISS (perfected under Permit S-34380)
Use: IRRIGATION of 50.0 ACRES
Priority Date: MAY 12, 1969, AUGUST 1, 1969
Rate: 0.63 CUBIC FEET PER SECOND, BEING 0.10 CFS FROM THE LUCKIAMUTE RIVER AND 0.53 FROM THE LITTLE LUCKIMUTE RIVER
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: LUCKIAMUTE AND LITTLE LUCKIAMUTE RIVERS, tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	8	SE SE	56	LITTLE LUCKIAMUTE RIVER: 460 FEET NORTH AND 550 FEET WEST FROM THE SW CORNER OF LOT 5, SECTION 8; WITHIN JAMES SMITH DLC 56
9 S	5 W	WM	16	NW SW	56	LUCKIAMUTE RIVER: 3720 FEET SOUTH AND 460 FEET EAST FROM THE SW CORNER OF LOT 5, SECTION 8; WITHIN JAMES SMITH DLC 56

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Source
9 S	5 W	WM	16	NW NW	56	10.1	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	16	SW NW	56	3.7	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	NE NE	56	13.9	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	SE NE	56	14.3	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	SE NE	56	7.8	LUCKIAMUTE RIVER
9 S	5 W	WM	17	NE SE	56	0.2	LUCKIAMUTE RIVER
Total:						50.0	

11. Temporary Transfer Application T-12139 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	16	NW SW	56	5.0
9 S	5 W	WM	17	NE SE	56	20.0
9 S	5 W	WM	17	NW SE	56	19.6
9 S	5 W	WM	17	SW SE	56	5.4
Total:						50.0

12. The second right to be temporarily transferred is as follows:

Certificate: 65744 in the name of ALAN L. AND JANICE L. FROST (perfected under Permit S-19639)
Use: IRRIGATION of 50.0 ACRES
Priority Date: OCTOBER 26, 1950
Rate: 0.62 CUBIC FOOT 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: LUCKIAMUTE RIVER, a tributary of the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	17	SE SE	69	630 FEET NORTH AND 1090 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	5 W	WM	16	NW SW	56	5.0
9 S	5 W	WM	17	NE SE	56	20.0
9 S	5 W	WM	17	NW SE	56	19.6
9 S	5 W	WM	17	SW SE	56	5.4
Total:						50.0

13. Temporary Transfer Application T-12139 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Source
9 S	5 W	WM	16	NW NW	56	8.2	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	16	SW NW	56	5.6	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	NE NE	56	13.9	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	SE NE	56	14.3	LITTLE LUCKIAMUTE RIVER
9 S	5 W	WM	17	SE NE	56	7.8	LUCKIAMUTE RIVER
9 S	5 W	WM	17	NE SE	56	0.2	LUCKIAMUTE RIVER
Total:						50.0	

14. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12139 proposes to move the authorized point of diversion approximately 0.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	16	NW SW	56	LUCKIAMUTE RIVER: 3720 FEET SOUTH AND 460 FEET EAST FROM THE SW CORNER OF LOT 5, SECTION 8; WITHIN JAMES SMITH DLC 56

Temporary Transfer Review Criteria

15. Water has been used within the last five years according to the terms and conditions of the rights. All of the lands under Certificate 65744 and a portion of the lands under Certificate 44889 were leased instream under IL-1423 during the 2014 irrigation season. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in application Temporary Transfer Application T-12139 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-12139 are approved.

2. The former place of use **shall not** be irrigated as part of their respective water rights during the 2016, 2017, 2018, 2019 and 2020 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2020 irrigation season. The authorization to use the temporary point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 44889 and 65744 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 44889 and 65744.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. 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.
 - 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.
9. The use of the remaining water right described by Certificate 44889 shall continue to be in accordance with the terms and conditions of Certificate 44889.

Dated at Salem, Oregon this 17 day of November, 2015.



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

Mailing Date: NOV 19 2015