

6. On March 5, 2020, received an assignment by proof of Transfer Application T-12366 from Earl Turpen to Chandele A. Bowen.
7. On March 12, 2020, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The revised application map submitted on January 21, 2020, identified acres located under a road, which are not subject to transfer, and the Department determined the proposed place of use is located within the Ridgeview Irrigation District, which requires the submittal of Supplemental Form D. The Department requested that the deficiencies be resolved by April 13, 2020.
8. On March 26, 2020, the applicant's agent submitted a revised application map, removing the acres located under the road.
9. On April 28, 2020, the Department received a Supplemental Form D, resolving all deficiencies.
10. On June 30, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-12366 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 June 30, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

11. The portion of the first right to be transferred is as follows:

Certificate: 4978 in the name of MARY H. NAPTON (perfected under Permit S-4668)
Use: IRRIGATION OF 40.42 ACRES
Priority Date: JUNE 26, 1920
Rate: 0.51 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 in case of rotation.
Source: SNAKE RIVER

Authorized Place of Use:

IRRIGATION							Type of Change	
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Point of diversion only	Point of diversion and place of use
22 S	47 E	WM	6	SW SW	6	25.54	14.00	11.54
22 S	47 E	WM	6	SE SW	7	14.88	-	14.88
Total						40.42		

12. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 4978 as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
22 S	47 E	WM	6	SW SW	6	EXISTING POD - 1030 FEET NORTH AND 700 FEET EAST OF THE SW CORNER OF SECTION 6

13. Transfer Application T-12366 proposes to move the authorized point of diversion approximately 726 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
22 S	46 E	WM	1	NE SE	10	PROPOSED POD - 170 FEET NORTH AND 230 FEET WEST OF THE M.C. BETWEEN SEC.1, T22S, R46E, WM AND SEC. 6, T22S, R47E, WM.

14. Transfer Application T-12366 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	46 E	WM	1	SW SE	26.42

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

Certificate: 27852 in the name of FAY M. AND BETTY JO METZER (perfected under Permit S-16213)

Use: IRRIGATION OF 34.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 9.0 ACRES

Priority Date: MARCH 6, 1945

Rate: 1.08 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-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: SNAKE RIVER, a tributary of COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot
22 S	47 E	WM	6	SW SW	6

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
22 S	46 E	WM	1	SW SE		1.4
22 S	46 E	WM	1	E ½ SE	10	32.8
Total						34.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
22 S	47 E	WM	6	SW SW	6	9.0

16. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 27852 as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
22 S	47 E	WM	6	SW SW	6	EXISTING POD - 1030 FEET NORTH AND 700 FEET EAST OF THE SW CORNER OF SECTION 6

17. Transfer Application T-12366 proposes to move the authorized point of diversion approximately 726 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
22 S	46 E	WM	1	NE SE	10	PROPOSED POD - 170 FEET NORTH AND 230 FEET WEST OF THE M.C. BETWEEN SECTION 1, T22S, R46E AND SECTION 6, T22S, R47E

18. Transfer Application T-12366 also proposes to change the place of use of a portion of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
22 S	47 E	WM	6	SW SW	6	1.5

19. 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 currently equipped with an appropriate fish screen.

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

20. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
21. 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-12366.
22. The proposed changes would not result in enlargement of the rights.
23. The proposed changes would not result in injury to other water rights

Conclusions of Law

The change in points of diversion and change in places of use proposed in Transfer Application T-12366 appear to be 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 change in places of use proposed in Transfer Application T-12366 are approved.

