



4. On November 13, 2015, the applicant's agent submitted amended and missing documents, resolving the deficiencies. An additional deficiency, a discrepancy in the number of acres for Certificate 31376, was found and resolved after that.

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

**Certificate:** 29769 in the name of BANFIELD VETERINARY HOSPITAL INC.  
(perfected under Permit S-22955)

**Use:** IRRIGATION of 24.9 ACRES

**Priority Date:** JUNE 9, 1954

**Rate:** 0.13 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, 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 RIVER, a tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | Gov't Lot |
|-----|-----|-----|-----|-------|-----------|
| 9 S | 5 W | WM  | 14  | SW SE | 2         |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |           |     |       |
|------------|-----|-----|-----|-------|-----------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | Gov't Lot | DLC | Acres |
| 9 S        | 5 W | WM  | 14  | NE SW | 4         |     | 1.1   |
| 9 S        | 5 W | WM  | 14  | NE SW |           | 62  | 1.3   |
| 9 S        | 5 W | WM  | 14  | SE SW |           | 61  | 1.2   |
| 9 S        | 5 W | WM  | 14  | SE SW | 3         |     | 2.8   |
| 9 S        | 5 W | WM  | 14  | NW SE |           | 46  | 4.3   |
| 9 S        | 5 W | WM  | 14  | SW SE |           | 61  | 0.4   |
| 9 S        | 5 W | WM  | 14  | SW SE | 2         |     | 3.8   |
| 9 S        | 5 W | WM  | 14  | SW SE |           | 46  | 10.0  |
| Total:     |     |     |     |       |           |     | 24.9  |

6. Temporary Transfer Application T-12146 proposes to temporarily change the place of use of the right to:

| IRRIGATION |     |     |     |       |           |     |       |
|------------|-----|-----|-----|-------|-----------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | Gov't Lot | DLC | Acres |
| 9 S        | 4 W | WM  | 14  | NE NW | 1         |     | 21.2  |
| 9 S        | 4 W | WM  | 19  | NW NE |           | 44  | 2.5   |
| 9 S        | 4 W | WM  | 19  | SW NE |           | 44  | 1.2   |
| Total:     |     |     |     |       |           |     | 24.9  |

7. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12146 proposes to move the authorized point of diversion approximately 5.5 river miles upstream to:

| Twp | Rng | Mer | Sec | Q-Q   | Gov't Lot | Measured Distances  |
|-----|-----|-----|-----|-------|-----------|---|
| 9 S | 4 W | WM  | 20  | SW SW | 4         | 3170 FEET NORTH AND 6110 FEET EAST FROM THE SE CORNER OF DLC 42 |

8. The portion of the second right to be temporarily transferred is as follows:

**Certificate:** 31376 in the name of BANFIELD VETERINARY HOSPITAL INC. (WARREN J. WEGART, PRES.) (perfected under Permit S-27419)

**Use:** IRRIGATION of 63.7 ACRES

**Priority Date:** MAY 26, 1961

**Rate:** 0.80 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:** LUCKIAMUTE RIVER, a tributary of the WILLAMETTE RIVER

**Authorized Point of Diversion:**

| Twp | Rng | Mer | Sec | Q-Q   | DLC |
|-----|-----|-----|-----|-------|-----|
| 9 S | 5 W | WM  | 14  | SE NW | 46  |

**Authorized Place of Use:**

| IRRIGATION |     |     |     |       |     |       |
|------------|-----|-----|-----|-------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | DLC | Acres |
| 9 S        | 5 W | WM  | 11  | NE SW | 46  | 2.0   |
| 9 S        | 5 W | WM  | 11  | NW SW | 46  | 3.4   |
| 9 S        | 5 W | WM  | 11  | SW SW | 46  | 17.0  |
| 9 S        | 5 W | WM  | 11  | SE SW | 46  | 15.3  |
| 9 S        | 5 W | WM  | 14  | NE NW | 46  | 13.2  |
| 9 S        | 5 W | WM  | 14  | NW NW | 46  | 12.8  |
| Total:     |     |     |     |       |     | 63.7  |

9. Temporary Transfer Application T-12146 proposes to temporarily change the place of use of the right to:

| IRRIGATION |     |     |     |       |           |     |       |
|------------|-----|-----|-----|-------|-----------|-----|-------|
| Twp        | Rng | Mer | Sec | Q-Q   | Gov't Lot | DLC | Acres |
| 9 S        | 4 W | WM  | 19  | NW NE | 3         |     | 10.3  |
| 9 S        | 4 W | WM  | 19  | SE NE |           | 44  | 0.2   |
| 9 S        | 4 W | WM  | 19  | SE NW | 2         |     | 8.4   |
| 9 S        | 4 W | WM  | 19  | SE NW |           | 44  | 2.5   |
| 9 S        | 4 W | WM  | 19  | NE SE |           | 44  | 9.1   |
| 9 S        | 4 W | WM  | 19  | NW SE |           | 44  | 9.6   |
| 9 S        | 4 W | WM  | 19  | SW SE |           | 44  | 13.3  |
| 9 S        | 4 W | WM  | 19  | SE SE |           | 44  | 10.3  |
| Total:     |     |     |     |       |           |     | 63.7  |

10. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12146 proposes to move the authorized point of diversion approximately 7 river miles upstream to:

| Twp | Rng | Mer | Sec | Q-Q   | Gov't Lot | Measured Distances  |
|-----|-----|-----|-----|-------|-----------|---|
| 9 S | 4 W | WM  | 20  | SW SW | 4         | 3170 FEET NORTH AND 6110 FEET EAST FROM THE SE CORNER OF DLC 42 |

**Temporary Transfer Review Criteria**

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
13. The proposed changes would not result in enlargement of the rights.
14. 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**

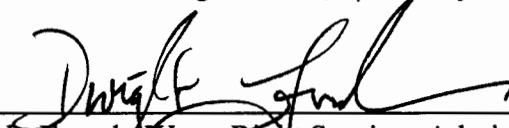
The temporary changes in place of use and points of diversion to convey water to the temporary places of use proposed in application Temporary Transfer Application T-12146 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-12146 are approved.
2. The former place of use **shall not** be irrigated as part of their respective water rights during the 2015, 2016, 2017, 2018 and 2019 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2019 irrigation season. The authorization to use the temporary points 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 29769 and 31376 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 place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 29769 and 31376.
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 new point of diversion.
  - b. The water user shall maintain the meter or measuring device in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water rights described by Certificates 29769 and 31376 shall continue to be in accordance with the terms and conditions of Certificates 29769 and 31376.

Dated at Salem, Oregon this 19 day of November, 2015.

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

Mailing Date: NOV 20 2015