

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

Certificate: 29328 in the name of HOWARD S JANSIK (perfected under Permit S-25481)

Use: IRRIGATION OF 11.6 ACRES

Priority Date: APRIL 14, 1958

Rate: 0.134 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: CLACKAMAS RIVER, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
2 S	2 E	WM	12	SE SW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	2 E	WM	12	NE SW	2	2.0
2 S	2 E	WM	12	SE SW	2	2.4
2 S	2 E	WM	12	NW SE		7.2
Total						11.6

6. The applicant has supplied information that further describes the location of the authorized point of diversion as:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2 S	2 E	WM	12	SE SW	2	POD 1 - 559.3 FEET NORTH AND 423.3 FEET WEST FROM THE S¼ CORNER OF SECTION 12

7. Temporary Transfer Application T-11240 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	2 E	WM	14	NE NE	1	11.6

8. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11240 proposes to move the authorized point of diversion approximately 3000 feet west (downstream) to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2 S	2 E	WM	14	NE NE	1	POD 2 - 250 FEET SOUTH AND 500 FEET WEST FROM THE NE CORNER OF SECTION 14

9. Notice of the application for transfer was published on May 10, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Temporary Transfer Review Criteria

11. 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 right is 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 right were present within the five-year period prior to submittal of Transfer Application T-11240.
13. The proposed changes would not result in enlargement of the right
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 point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-11240 appear to be 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-11240 are approved.
2. The former place of use **shall not** be irrigated as part of this water right 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 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 Certificate 29328 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. 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 the 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 devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 29328.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
10. The use of the remaining water right described by Certificate 29328 shall continue to be in accordance with the terms and conditions of Certificate 29328.

Dated at Salem, Oregon this 10 day of September, 2014.



Dwight French, Water Right Services Division Administrator, for
Director, Oregon Water Resources Department

mailed on:

SEP 15 2014