

5. On May 19, 2017, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12445 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 19, 2017, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On June 8, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12445 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 13, 2017, and in the Silverton Appeal Tribune newspaper on June 8, 2017 and June 28, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

Certificate: 44105 in the name of J.B. SOD & SEED AND CARL F. JENSEN
(perfected under Permit G-5042)

Use: IRRIGATION of 117.1 ACRES

Priority Date: NOVEMBER 23, 1970

Rate: 1.46 CUBIC FEET PER SECOND (CFS), BEING 0.64 CFS FROM WELL NO. 1 AND 0.82 CFS FROM WELL NO. 2

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.

Sources: TWO WELLS, A TRIBUTARY OF WOODS CREEK, A TRIBUTARY OF THE PUDDING RIVER

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	35	SW NW	46	WELL 1 - 320 FEET NORTH AND 310 FEET EAST FROM THE W 1/4 CORNER OF SECTION 35
6 S	2 W	WM	35	NW SW	46	WELL 2 - 240 FEET SOUTH AND 290 FEET EAST FROM THE W 1/4 CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	34	NE SE	47	23.4
6 S	2 W	WM	34	SE SE	47	40.0
6 S	2 W	WM	35	SW NW	46	14.5
6 S	2 W	WM	35	SE NW	46	13.0
6 S	2 W	WM	35	NE SW	46	6.2
6 S	2 W	WM	35	NW SW	47	5.2
6 S	2 W	WM	35	NW SW	46	6.1

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	35	SW SW	47	6.8
7 S	2 W	WM	2	NW NW	84	0.3
7 S	2 W	WM	3	NE NE	84	1.6
TOTAL						117.1

8. Transfer Application T-12445 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from original well locations measured in feet (ft)	
							Well 1	Well 2
6 S	2 W	WM	34	NE SE	47	WELL 3 - 1750 FEET NORTH AND 690 FEET WEST FROM THE SE CORNER OF SECTION 34	1600 ft	1200 ft
6 S	2 W	WM	34	SE SE	47	WELL 4 - 1000 FEET NORTH AND 1205 FEET WEST FROM THE SE CORNER OF SECTION 34	2500 ft	2100 ft
6 S	2 W	WM	34	SE SE	47	WELL 6 - 150 FEET NORTH AND 1210 FEET WEST FROM THE SE CORNER OF SECTION 34	3200 ft	2800 ft
6 S	2 W	WM	35	SW SW	47	WELL 5 - 975 FEET NORTH AND 205 FEET EAST FROM THE SW CORNER OF SECTION 35	2000 ft	1400 ft

Transfer Review Criteria (OAR 690-380-4010)

9. 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.
10. 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-12445.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law


The additional points of appropriation proposed in Transfer Application T-12445 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-12445 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 44105 and any related decree.
3. Water right Certificate 44105 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 appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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 change and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 31 day of July, 2017.



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

Mailing date: AUG 04 2017