

6. On September 6, 2013, the applicant's agent submitted a letter including additional land ownership information, clarification of the point of appropriation location, a revised map, a request to withdraw some acreage from the transfer application. The agent requested to continue processing the transfer application as revised. This document reflects the revisions.
7. On September 19, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11531 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 1, 2013, and in The Newberg Graphic newspaper on October 2 and October 9, 2013, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice
8. The right to be transferred is as follows:

Certificate: 87859 in the name of COYOTE CREEK GROUP LLC (perfected under Permit G-13458)
Use: IRRIGATION of 12.08 ACRES
Priority Date: APRIL 20, 1995
Rate: 0.059 CUBIC FOOT PER SECOND (cfs)
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cfs, 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.
Period of Use: MARCH 1 through OCTOBER 31
Source: WELL 1 (YAMH 3865) in the CHEHALEM CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	18	SW SW	39	1330 FEET SOUTH AND 1850 FEET WEST FROM THE NW CORNER OF DLC 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	2 W	WM	18	NE SW	39	2.49
3 S	2 W	WM	18	NW SW	39	0.23
3 S	2 W	WM	18	SW SW	39	2.61
3 S	2 W	WM	18	SE SW	39	6.75
Total:						12.08

9. Transfer Application T-11531 proposes to move the authorized point of appropriation approximately 1,300 feet northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	2 W	WM	18	NW SW	39	1887 FEET NORTH AND 353 FEET EAST FROM THE SW CORNER OF SECTION 18

10. Transfer Application T-11531 proposes to change the character of use to QUASI-MUNICIPAL and to change the season of use to year-round.
11. Transfer Application T-11531 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL						
Twp	Rng	Mer	Sec	Q-Q	DLC	Tax Lot
3 S	2 W	WM	18	NW SW	39	2900
3 S	3 W	WM	13	NE SE	60	1500
3 S	3 W	WM	13	NE SE	60	2902
3 S	3 W	WM	13	NE SE	60	2903
3 S	3 W	WM	13	NE SE	60	2904
3 S	3 W	WM	13	NE SE	60	2905
3 S	3 W	WM	13	NE SE	60	2906

12. Pursuant to OAR 690-380-2410, water for quasi-municipal uses may not exceed the rate and duty of the right. A change in character of use may not be allowed to enlarge a water right. The annual volume of water that can be beneficially used for irrigation of 12.08 acres is 12.08 acres x 2.5 acre-feet per acre = 30.2 acre-feet (AF).
13. The maximum rate of diversion for the right should be pro-rated to 0.035 cfs, in order to avoid enlargement of the right with the extension of the season, from March 1 through October 31, to year-round. (0.059 cfs x (214/365 days) = 0.035 cfs).

Transfer Review Criteria (OAR 690-380-4010)

14. 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.
15. 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-11531.
16. The proposed change, as conditioned in Findings of Fact #11 and #12, would not result in enlargement of the right.
17. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in point of appropriation, change in place of use and change in character of use proposed in Transfer Application T-11531 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation, change in place of use and change in character of use proposed in Transfer Application T-11531 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 87859 and any related decree.
3. Water right certificate 87859 is cancelled. A new certificate will be issued describing the portion of the right not affected by this transfer
4. The proposed Quasi-Municipal use may be allowed year round and is limited to a rate not to exceed 0.035 cfs and a total maximum volume of 30.2 acre-feet per year.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
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 appropriation.
 - 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.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. 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 changes and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 12 day of November, 2013.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: NOV 25 2013