

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13320, Linn County)	CHANGE IN POINT OF
)	APPROPRIATION AND ADDITIONAL
)	POINTS OF APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

STATE OF OREGON, ACTING BY AND
THROUGH THE BOARD OF TRUSTEES OF
OREGON STATE UNIVERSITY
448 STRAND AGRICULTURE HALL
CORVALLIS, OR 97331

Findings of Fact

1. On December 13, 2019, STATE OF OREGON, ACTING BY AND THROUGH THE BOARD OF TRUSTEES OF OREGON STATE UNIVERSITY filed an application to change the point of appropriation and for additional points of appropriation under Certificate 60433. The Department assigned the application number T-13320.
2. Notice of the application for transfer was published on January 7, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 8, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13320 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 7, 2020, 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.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On December 24, 2020, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13320 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on December 29, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 60433 in the name of OREGON STATE UNIVERSITY,
AGRICULTURAL EXPERIMENT STATION (perfected under Permit
G-8586)

Use: PRIMARY IRRIGATION of 44.66 ACRES and SUPPLEMENTAL
IRRIGATION of 65.40 ACRES

Priority Date: MAY 16, 1979

Rate: 0.891 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, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: A WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	6	SW SE	52	1060 FEET NORTH AND 1820 FEET WEST FROM THE SE CORNER OF SECTION 6

Authorized Place of Use:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	6	SE NE	52	0.20
12 S	4 W	WM	6	NE SE	52	4.90
12 S	4 W	WM	6	NW SE	52	4.80
12 S	4 W	WM	6	SW SE	52	19.01
12 S	4 W	WM	6	SE SE	52	12.70
12 S	4 W	WM	7	NE NE	52	2.35
12 S	4 W	WM	7	NW NE	52	0.70
					Total	44.66

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	6	SW NE	52	8.00
12 S	4 W	WM	6	SE NE	52	5.00
12 S	4 W	WM	6	NE SW	52	6.00
12 S	4 W	WM	6	NE SE	52	13.30
12 S	4 W	WM	6	NW SE	52	33.10
					Total	65.40

6. Transfer Application T-13320 proposes to move the authorized point of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Original Well in Feet (ft.)
12 S	4 W	WM	6	SW SE	52	WELL 3 - 1065 FEET NORTH AND 1730 FEET WEST FROM THE SE CORNER OF SECTION 6	50 ft.

7. Transfer Application T-13320 proposes additional points of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Original Well in Feet (ft.)
12 S	4 W	WM	6	NW SE	52	WELL 1 - 1395 FEET SOUTH AND 1990 FEET WEST FROM THE NE CORNER OF DLC 52	800 ft.
12 S	4 W	WM	6	NE SE	52	WELL 2 - 1655 FEET SOUTH AND 1535 FEET WEST FROM THE NE OF CORNER DLC 52	600 ft.
12 S	4 W	WM	6	SW SE	52	WELL 4 - 1215 FEET NORTH AND 1870 FEET WEST FROM THE SE CORNER OF SECTION 6	200 ft.

Transfer Review Criteria (OAR 690-380-4010)

8. 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 rights is subject to forfeiture under ORS 540.610.
9. 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-13320.
10. The proposed changes would not result in enlargement of the right.
11. The proposed changes would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-13320 is 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 and additional points of appropriation proposed in Transfer Application T-13320 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 60433 and any related decree.
3. Water right Certificate 60433 is cancelled.
4. The quantity of water diverted at the new points of appropriation (Well 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (original Well 3).
5. The quantity of water diverted at the additional points of appropriation (Wells 1, 2 and 4), shall not exceed the quantity of water lawfully available at the original point of appropriation (original Well 3).
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 each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are 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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

9. After satisfactory proof of beneficial use is received a new certificate confirming the right transferred will be issued.

FEB 10 2021

Dated in Salem, Oregon on



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **FEB 11 2021**