



5. On October 17, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12932 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 October 22, 2019, and in the Woodburn Independent newspaper on October 23 and 30, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The first right to be transferred is as follows:

**Certificate:** 35420 in the name of GEORGE E. BOND (perfected under Permit S-30318)  
**Use:** IRRIGATION of 43.4 ACRES  
**Priority Date:** MARCH 29, 1965  
**Rate:** 0.48 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:** BUTTE CREEK, a tributary of PUDDING RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	31	SE NW	#1 - 2480 FEET SOUTH AND 810 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 31

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	31	NE NW	25.4
5 S	1 E	WM	31	SE NW	18.0
Total					43.4

7. Transfer Application T-12932 proposes an additional point of diversion approximately 1500 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	31	SW NW	#2 - 1625 FEET SOUTH AND 1880 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 31

8. Transfer Application T-12932 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	31	NE NW	32.9
5 S	1 E	WM	31	SE NW	10.5
Total					43.4

9. The second right to be transferred is as follows:

**Certificate:** 54671 in the name of HAROLD KRAEMER (perfected under Permit S-45031)  
**Use:** IRRIGATION of 21.7 ACRES  
**Priority Date:** MAY 13, 1980  
**Rate:** 0.27 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:** BUTTE CREEK, a tributary of PUDDING RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	31	NE SW	#1 - 2850 FEET SOUTH AND 120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 31

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	31	NE NW	8.7
5 S	1 E	WM	31	SE NW	12.1
5 S	1 E	WM	31	NE SW	0.9
Total					21.7

10. Transfer Application T-12932 proposes an additional point of diversion approximately 2375 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	31	SW NW	#2 - 1625 FEET SOUTH AND 1880 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 31

11. Transfer Application T-12932 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	31	NE NW	0.4
5 S	1 E	WM	31	SE NW	20.7
5 S	1 E	WM	31	NE SW	0.6
Total					21.7

12. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12932.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights.
17. All other application requirements are met.

**Conclusions of Law**

The additional point of diversion and change in place of use proposed in Transfer Application T-12932 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The additional point of diversion and changes in place of use proposed in Transfer Application T-12932 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 Certificates 35420 and 54671 and any related decree.
3. Water right Certificates 35420 and 54671 are cancelled.
4. The quantity of water diverted at the additional point of diversion (#2), together with that diverted at the original point of diversion (#1), shall not exceed the quantity of water lawfully available at the original points of diversion (#1), under Certificate 35420.
5. The quantity of water diverted at the additional point of diversion (#2), together with that diverted at the original point of diversion (#1), shall not exceed the quantity of water lawfully available at the original points of diversion (#1), under Certificate 54671.
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 diversion (new and existing).
  - 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 device(s); provided however, where the meters 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 an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.
- The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
8. The former place of use of the transferred rights shall no longer receive water under the rights.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this DEC 05 2019,

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

Mailing date: DEC 06 2019