

5. On June 9, 2021, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13275 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 15, 2021, and in the News-Register newspaper on June 11 and 18, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The portion of the first right to be transferred is as follows:

Certificate: 15091 in the name of HOWARD E. TRYON (perfected under Permit S-13897)
Use: IRRIGATION of 21.5 ACRES
Priority Date: JUNE 27, 1939
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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	18	SE NW	NONE GIVEN

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	18	NW NW	46	3.8
4 S	3 W	WM	18	SW NW	46	16.1
4 S	3 W	WM	18	SE NW	46	1.6
Total:						21.5

7. Certificate 15091 does not describe the measured distance of the point of diversion, however the applicant has provided a description of the point as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	18	SE NW	1720 FEET SOUTH AND 2025 FEET EAST FROM THE SE CORNER OF SECTION 12

8. Transfer Application T-13275 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	7	SW SW	-	1.8
4 S	3 W	WM	18	NW NW	46	2.6
4 S	3 W	WM	18	SW NW	46	14.1
4 S	4 W	WM	12	SE SE	60	3.0
Total:						21.5

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

Certificate: 35059 in the name of CASPER ROTH (perfected under Permit S-27978)
Use: IRRIGATION of 20.3 ACRES
Priority Date: APRIL 13, 1962
Rate: 0.25 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, 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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	18	SE NW	46	690 FEET SOUTH AND 4390 FEET EAST FROM THE NE CORNER OF WATT DLC 78

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	18	NW NW	46	2.7
4 S	3 W	WM	18	SW NW	46	14.8
4 S	4 W	WM	13	NE NE	60	1.0
4 S	4 W	WM	13	SE NE	60	1.8
Total:						20.3

10. The applicant provided a description of the point of diversion for Certificate 35059 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	18	SE NW	1720 FEET SOUTH AND 2025 FEET EAST FROM THE SE CORNER OF SECTION 12

11. Transfer Application T-13275 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	7	SW SW	-	0.4
4 S	3 W	WM	18	NW NW	46	1.9
4 S	3 W	WM	18	SW NW	46	12.8
4 S	4 W	WM	12	SE SE	60	0.7
4 S	4 W	WM	13	NE NE	60	1.1
4 S	4 W	WM	13	SE NE	60	3.4
Total:						20.3

12. The third right to be transferred is as follows:

Certificate: 47237 in the name of WENDELLEN L. CHRISTENSON (perfected under Permit S-37990)

Use: IRRIGATION of 3.4 ACRES

Priority Date: APRIL 18, 1973

Rate: 0.04 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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	4 W	WM	12	SE SE	60	270 FEET NORTH AND 350 FEET WEST FROM THE SE CORNER OF SECTION 12

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	12	SE SE		3.2
4 S	4 W	WM	13	NE NE	60	0.2
Total:						3.4

13. Transfer Application T-13275 proposes and additional point of appropriation approximately 0.6 mile SE from the original point of appropriation as describe below:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	18	SE NW	46	1720 FEET SOUTH AND 2025 FEET EAST FROM THE SE CORNER OF SECTION 12

14. Transfer Application T-13275 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	18	NW NW	46	1.1
4 S	4 W	WM	13	NE NE	60	2.3
Total:						3.4

15. The portion of the fourth right to be transferred is as follows:

Certificate: 47564 in the name of THOMAS R ROTH (perfected under Permit S-38392)
Use: IRRIGATION of 17.6 ACRES
Priority Date: DECEMBER 7, 1973
Rate: 0.22 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 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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	18	SE NW	46	960 FEET NORTH AND 720 FEET WEST FROM THE CENTER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	18	NW NW	46	17.6

16. The applicant provided a description of the point of diversion for Certificate 47564 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	18	SE NW	1720 FEET SOUTH AND 2025 FEET EAST FROM THE SE CORNER OF SECTION 12

17. Transfer Application T-13275 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	7	SW SW	--	0.7
4 S	3 W	WM	18	NW NW	46	15.5
4 S	4 W	WM	12	SE SE	46	1.4
Total:						17.6

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

18. Water has been used within the last five years prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
19. A diversion structure and ditch 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-13275.
20. The proposed change would not result in enlargement of the rights.
21. The proposed change would not result in injury to other water rights.
22. All other application requirements are met.

Conclusions of Law

The change in places of use and additional point of appropriation proposed in Transfer Application T-13275 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

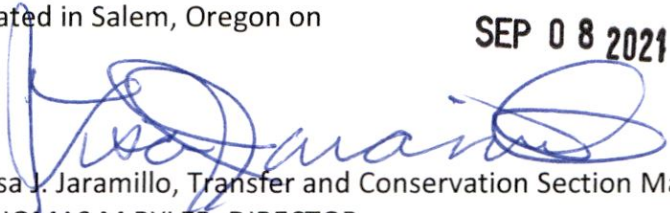
Now, therefore it is ORDERED:

1. The additional point of appropriation and change in places of use proposed in Transfer Application T-13275 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 15091, 35059, 47237, 47564 and any related decree.
3. Water right Certificates 15091, 35059, 47237, and 47564 are cancelled. New certificates will be issued describing those portions of Certificates 15091, 35059, and 47564 not affected by this transfer.
4. The former places of use of the transferred rights shall no longer receive water under the rights.
5. 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 change and full beneficial use of the water.

6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

SEP 08 2021



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

SEP 09 2021

Mailing date: