

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

Certificate: 20834 in the name of W. O. BURCH (perfected under Permit S-16346)
Use: IRRIGATION of 0.5 ACRE
Priority Date: MAY 24, 1945
Rate: 0.01 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-FIFTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated throughout the irrigation season from April 1st to November 1st of each year.
Period of Use: April 1 to November 1
Source: WEST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
39 S	8 W	WM	32	NW SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	8 W	WM	32	NW SE	0.5

7. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 20834 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	32	NW SE	POD 4 - 460 FEET SOUTH AND 140 FEET EAST FROM THE CENTER OF SECTION 32

8. Transfer Application T-13530 proposes to move the authorized point of diversion approximately 1029 feet downstream to reflect historical use to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	8 W	WM	32	NW SE	POD 3 - 30 FEET SOUTH AND 1070 FEET EAST FROM THE CENTER OF SECTION 32

9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

10. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding No. 8, has been in use for more than 10 years.

11. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
12. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
13. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is 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 right are present.
15. The proposed change would not result in enlargement of the right.
16. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed change in point of diversion to reflect historical use in application T-13530 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

Now, therefore, it is ORDERED:

1. The change proposed in T-13530 is approved and effective immediately.
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 20834 and any related decree.
3. Water right Certificate 20834 is cancelled. Certificate 95710 will be issued to describe the change in point of diversion for the portion of the right included in T-13530. Certificate 95711 shall be issued to describe the portion of Certificate 20834 not modified by this order. Together, the new Certificates shall supersede Certificate 20834.
4. The quantity of water diverted at the new point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 4).
5. Water use measurement conditions:
 - a. Prior to October 1, 2022, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion, with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
 - 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.
6. Prior to October 1, 2022, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards..

Dated in Salem, Oregon on **MAY 12 2021**



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

MAY 13 2021

Mailing date: