

a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

5. On May 2, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12713 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 May 8, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. On May 18, 2018, the applicant requested to remove the condition for installing a totalizing flow meter due to the additional costs of installment. The Watermaster for District 18 approved the request.
7. The right to be transferred is as follows:

Certificate: 38748 in the name of IRA BARBY (perfected under Permit G-4594)
Use: IRRIGATION of 2.55 ACRES
Priority Date: MAY 19, 1969
Rate: 0.03 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: A WELL, a tributary of CAMPBELL CREEK (Tualatin River)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	25	NW SW	1080 FEET SOUTH AND 540 FEET WEST FROM THE NE CORNER OF NWSW, SECTION 25

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	25	NW SW	2.55

8. Transfer Application T-12713 proposes an additional point of appropriation, described as follows with the approximate distance from the existing point of appropriation identified:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
1 S	3 W	WM	25	NW SW	1658 FEET NORTH AND 5055 FEET WEST FROM THE SE CORNER OF SECTION 25	681.7 ft

Transfer Review Criteria (OAR 690-380-4010)

9. 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.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12713.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-12713 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 additional point of appropriation in Transfer Application T-12713 is 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 38748 and any related decree.
3. Water right Certificate 38748 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. When required by the Department, the water user shall install, at each point of appropriation, a totalizing flow meter or other suitable device for measuring and recording the quantity of water used.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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.

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

Dated at Salem, Oregon this JUN 18 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 19 2018