

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage. Use of the water requires the existence of a current contract between the landowners and the United States Bureau of Reclamation.

Source: CROOKED RIVER, tributary to the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	22	NE NE	DIRECT DIVERSION NO. 47A - 1300 FEET SOUTH FROM NE CORNER OF SECTION 22

Authorized Place of Use:

PRIMARY IRRIGATION WITHOUT STORED WATER					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	15	NE SW	7.5
14 S	14 E	WM	15	NW SW	1.0
14 S	14 E	WM	15	SW SW	3.0
14 S	14 E	WM	15	SE SW	8.5
TOTAL					20.0

4. Transfer Application T-11023 proposes to move the authorized point of diversion approximately 2.4 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	14 E	WM	20	SW SE	45 FEET NORTH AND 1465 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 20

5. Transfer Application T-11023 also proposes to change the place of use of the right to:

PRIMARY IRRIGATION WITHOUT STORED WATER					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	20	SE SW	7.0
14 S	14 E	WM	20	SW SE	10.0
14 S	14 E	WM	29	NW NE	1.6
14 S	14 E	WM	29	NE NW	1.4
TOTAL					20.0

6. Notice of the application for transfer was published on March 2, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

7. On June 26, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11023 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 26, 2012, for the applicant to respond. The applicant requested that the Department amend the completion date of the transfer to October 1, 2017 and to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On August 13, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11023 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 21, 2012, and in the Redmond Spokesman newspaper on August 22, 29 and September 5, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
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 [OAR 690-380-4010(2)]

10. 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 right is subject to forfeiture under ORS 540.610.
11. 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-11023.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.

Re-Description of a Water Right

14. Certificate 11698 describes the authorized place of use as 7.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 23.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T 14 S, R 14 E, Willamette Meridian, Crook County, Oregon.
 - a. The transfer applicant and landowner submitted documents depicting the place of use under Certificate 11698 as always being 12.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 18.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T 14 S, R 14 E, Willamette Meridian, Crook County, Oregon.

- b. The following table lists the place of use as described in existing Certificate 11698 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use		Proposed Re-Description of Place of Use		
	¼-¼	Acres	¼-¼	Acres	Current Tax Lot
11698	SW¼ SE¼	7.0	SW¼ SE¼	12.0	100
11698	SE¼ SE¼	23.0	SE¼ SE¼	18.0	100
Section 20, T 14 S, R 14 E, W.M.					

Conclusions of Law

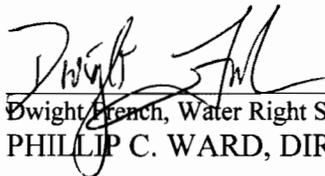
The change in point of diversion and change in place of use proposed in Transfer Application T-11023 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 the right requested to be re-described should be re-described.

Now, therefore, it is ORDERED:

1. The change in point of diversion and change in place of use proposed in Transfer Application T-11023 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 83850 and any related decree.
3. Water right certificate 83850 is modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. 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.
 - 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 diverting water, 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.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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.

Dated at Salem, Oregon this 15 day of October 2012.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: OCT 17 2012