

4. On March 30, 2015, the Department received a letter from OLSEN AGRICULTURAL ENTERPRISES requesting to terminate Temporary Transfers T-11825 and T-11826 upon approval of Temporary Transfers T-12018 and T-12019.

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

Certificate: 10645 in the name of ERNEST ZIELESCH (perfected under Permit S-8689)

Use: IRRIGATION of 18.80 ACRES

Priority Date: SEPTEMBER 19, 1928

Rate: 0.24 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.

Source: LUCKIAMUTE RIVER a tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
9 S	4 W	WM	20	NE SW
9 S	4 W	WM	29	NW NW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	4 W	WM	20	NE SW	10.00
9 S	4 W	WM	20	SE SW	8.80
Total acres:					18.80

6. Temporary Transfer Application T-12018 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	29	SE SW	69	0.05
9 S	4 W	WM	29	SW SE	69	1.45
9 S	4 W	WM	29	SE SE	69	0.50
9 S	4 W	WM	31	NE SE	58	13.10
9 S	4 W	WM	31	NW SE	58	3.70
Total acres:						18.80

7. A change in points of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12018 proposes to move the authorized points of diversion downstream approximately 1.0 and 1.1 miles to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	29	NE SW	46	PPOD 1: 1000 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF DLC 46
9 S	4 W	WM	30	NE SE	46	PPOD 2: 1640 FEET NORTH AND 125 FEET WEST FROM THE SE CORNER OF SECTION 30

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

Certificate: 22676 in the name of E. H. LORENCE (perfected under Permit S-19640)
Use: IRRIGATION of 47.64 ACRES
Priority Date: DECEMBER 9, 1949
Rate: 0.60 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: LUCKIAMUTE RIVER a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	24	NE NW	62	WITHIN NEALLY DLC 62

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	5 W	WM	24	NE NW	1		2.40
9 S	5 W	WM	24	NE NW		62	3.20
9 S	5 W	WM	24	NW NW		62	2.55
9 S	5 W	WM	24	SW NW	3		2.40
9 S	5 W	WM	24	SW NW		62	21.90
9 S	5 W	WM	24	SE NW		62	1.40
9 S	5 W	WM	24	SE NW	2		13.79
Total acres:							47.64

9. Temporary Transfer Application T-12018 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	29	SE SW	69	0.70
9 S	4 W	WM	29	SW SE	69	13.84
9 S	4 W	WM	29	SE SE	69	3.80
9 S	4 W	WM	31	NW SE	58	7.00
9 S	4 W	WM	31	SW SE	58	22.30
Total acres:						47.64

10. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12018 proposes to move the authorized point of diversion downstream approximately 2.5 miles to PPOD 1 and 2.3 miles to PPOD 2 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	29	NE SW	46	PPOD 1: 1000 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF DLC 46
9 S	4 W	WM	30	NE SE	46	PPOD 2: 1640 FEET NORTH AND 125 FEET WEST FROM THE SE CORNER OF SECTION 30

11. The portion of the third right to be temporarily transferred is as follows:

Certificate: 26647 in the name of E. H. LORENCE (perfected under Permit S-22946)

Use: IRRIGATION of 30.17 ACRES

Priority Date: MAY 24, 1954

Rate: 0.37 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: LUCKIAMUTE RIVER a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	5 W	WM	24	NE NW	62	WITHIN NEALLY DLC #62

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	5 W	WM	23	SE NE		62	1.00
9 S	5 W	WM	23	NE SE		62	2.66
9 S	5 W	WM	24	SW NW	3		4.60
9 S	5 W	WM	24	SW NW		62	7.80
9 S	5 W	WM	24	SE NW	2		6.61
9 S	5 W	WM	24	NW SW		62	7.50
Total acres:							30.17

12. Temporary Transfer Application T-12018 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	31	SE SE	58	24.10
9 S	4 W	WM	31	SE SE	59	6.07
Total acres:						30.17

13. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12018 proposes to move the authorized point of diversion downstream approximately 2.5 miles to PPOD 1 and 2.3 miles to PPOD 2 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	29	NE SW	46	PPOD 1: 1000 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF DLC 46
9 S	4 W	WM	30	NE SE	46	PPOD 2: 1640 FEET NORTH AND 125 FEET WEST FROM THE SE CORNER OF SECTION 30

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

Certificate: 42535 in the name of PHILIP D. AND DELIA M. SPERLING (perfected under Permit S-33441)

Use: IRRIGATION of 102.20 ACRES

Priority Date: APRIL 5, 1968

Rate: 1.28 CUBIC FEET PER SECOND, BEING 0.83 CFS FROM UNNAMED STREAM AND 0.45 CFS FROM LUCKIAMUTE RIVER with any deficiency in the available supply from the unnamed stream to be made up by appropriation from Luckiamute River provided that the total quantity diverted from both sources shall not exceed 1.28 cfs.

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: UNNAMED STREAM and LUCKIAMUTE RIVER a tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
9 S	4 W	WM	17	NE SW			UNNAMED STR: 1000 FEET SOUTH AND 1420 FEET EAST FROM THE NE CORNER OF STEEPROW DLC 61
9 S	4 W	WM	17	SW SE	6		UNNAMED STR: 1980 FEET SOUTH AND 1670 FEET EAST FROM THE NE CORNER OF STEEPROW DLC 61
9 S	4 W	WM	18	SE SW	2		LUCKIAMUTE R: 2130 FEET SOUTH AND 4280 FEET WEST FROM THE NE CORNER OF STEEPROW DLC 61
9 S	4 W	WM	20	SW NW		63	LUCKIAMUTE R: 4500 FEET SOUTH FROM THE NE CORNER OF STEEPROW DLC 61

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	17	SW NE		43	28.30
9 S	4 W	WM	17	SE NE		43	3.00
9 S	4 W	WM	17	SE NW	1		1.60
9 S	4 W	WM	17	SE NW		43	2.30

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	17	NE SW			4.80
9 S	4 W	WM	17	SE SW	5		0.70
9 S	4 W	WM	17	NE SE			14.10
9 S	4 W	WM	17	NW SE			34.20
9 S	4 W	WM	17	SW SE	6		9.40
9 S	4 W	WM	17	SE SE	7		3.80
Total acres:							102.20

15. Temporary Transfer Application T-12018 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	29	SE SW	69	0.47
9 S	4 W	WM	29	SW SE	69	5.80
9 S	4 W	WM	29	SE SE	69	1.60
9 S	4 W	WM	32	NE NE	69	11.00
9 S	4 W	WM	32	NW NE	69	40.00
9 S	4 W	WM	32	SW NE	69	9.50
9 S	4 W	WM	32	SE NE	69	1.50
9 S	4 W	WM	32	NE NW	69	5.20
9 S	4 W	WM	32	SE NW	69	0.80
9 S	4 W	WM	32	NE SW	59	3.73
9 S	4 W	WM	32	NW SW	59	5.70
9 S	4 W	WM	32	SW SW	59	10.70
9 S	4 W	WM	32	SE SW	59	6.20
Total acres:						102.20

16. A change in points of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12018 proposes to move the authorized points of diversion the approximate miles downstream as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	From 1 st POD	From 2 nd POD	From 3 rd POD	From 4 th POD
9 S	4 W	WM	29	NE SW	46	1000 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF DLC 46	2.0	1.8	2.0	1.3
9 S	4 W	WM	30	NE SE	46	1640 FEET NORTH AND 125 FEET WEST FROM THE SE CORNER OF SECTION 30	2.0	1.9	1.9	1.3

17. The fifth right to be temporarily transferred is as follows:

Certificate: 89189 in the name of PHILLIP AND DELIA SPERLING (perfected under Permit S-37832)
Use: IRRIGATION of 126.00 ACRES
Priority Date: AUGUST 20, 1973
Rate: 1.58 CUBIC FEET 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, is limited to a diversion of ONE-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: LUCKIAMUTE RIVER, tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	20	SW NW	63	2530 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER OF VANDERPOOL DLC 63

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	4 W	WM	17	SW NW	2		0.70
9 S	4 W	WM	17	SE NW	1		8.00
9 S	4 W	WM	17	NE SW			24.00
9 S	4 W	WM	17	NW SW	3		7.80
9 S	4 W	WM	17	SW SW	4		1.20
9 S	4 W	WM	17	SW SW		63	7.00
9 S	4 W	WM	17	SE SW	5		7.10
9 S	4 W	WM	17	SE SW		63	25.00
9 S	4 W	WM	20	NE NW		63	30.40
9 S	4 W	WM	20	NW NW		63	7.50
9 S	4 W	WM	20	SE NW		63	7.30
Total acres:							126.00

18. Temporary Transfer Application T-12018 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	31	SW SW	59	3.20
9 S	4 W	WM	32	SW NE	69	30.50
9 S	4 W	WM	32	SE NE	69	10.50
9 S	4 W	WM	32	SE NW	69	7.90
9 S	4 W	WM	32	NE SW	69	6.10
9 S	4 W	WM	32	NE SW	59	3.00
9 S	4 W	WM	32	NW SW	59	4.20
9 S	4 W	WM	32	SW SW	59	21.50

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	4 W	WM	32	SE SW	59	11.50
9 S	4 W	WM	32	NE SE	69	6.50
9 S	4 W	WM	32	NW SE	69	21.10
Total acres:						126.00

19. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12018 proposes to move the authorized point of diversion downstream approximately 1.0 and 1.1 miles to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	29	NE SW	46	PPOD 1: 1000 FEET NORTH AND 100 FEET WEST FROM THE SE CORNER OF DLC 46
9 S	4 W	WM	30	NE SE	46	PPOD 2: 1640 FEET NORTH AND 125 FEET WEST FROM THE SE CORNER OF SECTION 30

20. Before Temporary Transfers T-12018 and T-12019 can be approved, Temporary Transfers T-11825 and T-11826 must expire or be terminated by order of the Department.

Temporary Transfer Review Criteria

21. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
22. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
23. The proposed changes, as conditioned, would not result in enlargement of the rights.
24. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-12018 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. Temporary Transfers T-11825 and T-11826 are terminated. The Final Orders entered at Special Order Volume 95, pages 998-1003 and 992-997, are of no further force or effect.
2. The temporary changes in place of use and points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-12018 are approved.

3. The former places of use **shall not** be irrigated as part of these water rights during the 2015, 2016, 2017, and 2018 irrigation seasons.
4. The use shall revert to the authorized places of use at the end of the 2018 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
6. A subsequent application for permanent transfer of Certificates 10645, 22676, 26647, 42535, and 89189 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 10645, 22676, 26647, 42535, and 89189.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water rights described by Certificates 10645, 22676, 26647, and 42535 shall continue to be in accordance with the terms and conditions of Certificates 10645, 22676, 26647, and 42535.

Dated at Salem, Oregon this 11 day of May, 2015.



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

Mailing Date: MAY 13 2015