



5. The right to be transferred is as follows:

**Certificate:** 23 in the name of NICK GROSGEBAUER (confirmed by East Mud Creek Decree)  
**Use:** IRRIGATION of 20.0 ACRES  
**Priority Date:** 1881  
**Rate:** 0.38 CUBIC FOOT PER SECOND  
**Period of Use:** April 1 to September 20  
**Source:** EAST BRANCH OF MUD CREEK, tributary of the WALLA WALLA RIVER

**Authorized Point of Diversion:**

POD Location
EAST BRANCH OF MUD CREEK

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	22	SW NW	20.00

6. Transfer Application T-13526 proposes to move the authorized point of diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
6 N	35 E	WM	22	SW NW	700	POD #1 - 344 FEET NORTH AND 549 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 22

7. The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

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

8. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610
9. 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-13526.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

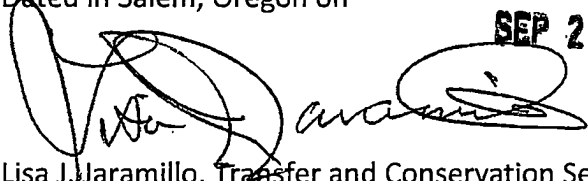
The change in point of diversion proposed in Transfer Application T-13526 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in point of diversion proposed in Transfer Application T-13526 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 23 and any related decree.
3. Water right Certificate 23 is cancelled.
4. The quantity of water diverted at the new point of diversion (POD #1), 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 new 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. The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 in Salem, Oregon on

 **SEP 22 2022**

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: SEP 23 2022