

5. On January 25, 2017, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12358 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 January 31, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 86371 in the name of LESTER STURM (perfected under Permit S-880)
Use: IRRIGATION OF 1.36 ACRES
Priority Date: SEPTEMBER 27, 1911
Rate: 0.02 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.
Source: DRAINAGE FROM SNOW SHEDS, tributary to MILLS CREEK

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	NE NW		0.55
41 S	13 E	WM	18	SW NW	2	0.17
41 S	13 E	WM	18	SE NW		0.09
41 S	13 E	WM	18	NE SW		0.55
Total						1.36

7. Certificate 86371 does not describe the location of the point of diversion, however information is available from the applicant's certified water right examiner (CWRE) field inspection and other water right certificates 86372, 86373, and 86379 indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	7	NW SE	1330 FEET NORTH AND 610 FEET EAST FROM THE S¼ CORNER OF SECTION 7

8. Transfer Application T-12358 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	SW NW	2	1.36

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

Certificate: 86372 in the name of LESTER STURM (perfected under Permit S-880)
Use: IRRIGATION OF 5.02 ACRES
Priority Date: SEPTEMBER 27, 1911
Rate: 0.06 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.
Source: DRAINAGE FROM SNOW SHEDS, tributary to MILLS CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	7	NW SE	1330 FEET NORTH AND 610 FEET EAST FROM THE S¼ CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	NE NW		1.75
41 S	13 E	WM	18	NW NW	1	1.87
41 S	13 E	WM	18	SE NW		0.46
41 S	13 E	WM	18	NE SW		0.94
Total						5.02

10. Transfer Application T-12358 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	SW NW	2	5.02

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

Certificate: 86373 in the name of LESTER STURM (perfected under Permit S-49909)
Use: IRRIGATION OF 0.65 ACRE
Priority Date: SEPTEMBER 8, 1986
Rate: 0.016 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, is limited to a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: MILLS CREEK, tributary to TULE LAKE

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	7	NW SE	1330 FEET NORTH AND 610 FEET EAST FROM THE S¼ CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	SW NW	2	0.65

12. Transfer Application T-12358 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	SW NW	2	0.65

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

Certificate: 86378 in the name of LESTER STURM (perfected under Permit S-2466)
Use: SUPPLEMENTAL IRRIGATION OF 1.36 ACRES
Priority Date: MAY 24, 1915
Rate: 0.02 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.
Source: SIMMS RESERVOIR, CONSTRUCTED UNDER PERMIT R-252, tributary to MILLS CREEK

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	NE NW		0.55
41 S	13 E	WM	18	SW NW	2	0.17
41 S	13 E	WM	18	SE NW		0.09
41 S	13 E	WM	18	NE SW		0.55
Total						1.36

14. Certificate 86378 does not describe the location of the point of diversion, however information is available from the applicant's certified water right examiner (CWRE) field inspection and other water right certificates 86372, 86373, and 86379 indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	7	NW SE	1330 FEET NORTH AND 610 FEET EAST FROM THE S¼ CORNER OF SECTION 7

15. Transfer Application T-12358 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	SW NW	2	1.36

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

Certificate: 86379 in the name of LESTER STURM (perfected under Permit S-2466)
Use: SUPPLEMENTAL IRRIGATION OF 5.02 ACRES
Priority Date: MAY 24, 1915
Rate: 0.06 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.
Source: SIMMS RESERVOIR, CONSTRUCTED UNDER PERMIT R-252, tributary to MILLS CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	7	NW SE	1330 FEET NORTH AND 610 FEET EAST FROM THE S¼ CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	NE NW		1.75
41 S	13 E	WM	18	NW NW	1	1.87
41 S	13 E	WM	18	SE NW		0.46
41 S	13 E	WM	18	NE SW		0.94
Total						5.02

17. Transfer Application T-12358 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	13 E	WM	18	SW NW	2	5.02

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

- 18. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 19. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12358.
- 20. The proposed change would not result in enlargement of the rights.
- 21. The proposed change would not result in injury to other water rights.

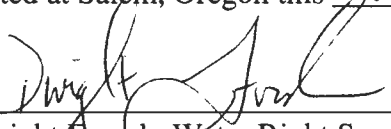
Conclusions of Law

The change in place of use proposed in Transfer Application T-12358 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 place of use proposed in Transfer Application T-12358 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 Certificates 86371, 86372, 86373, 86378, and 86379 and any related decree.
3. Water right Certificates 86371, 86372, 86373, 86378, and 86379 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. 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 meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
5. The former place of use of the transferred rights shall no longer receive water under the rights.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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.
7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 8 day of March, 2017.



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

Mailing date: **MAR 13 2017** _____