

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

5. On November 25, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-12959 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 November 26, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 93678 in the name of MARTIN FARMS PROPERTIES, LLC (perfected under Permit S-17066)

Use: SUPPLEMENTAL IRRIGATION and AGRICULTURE USE ON 8.0 ACRES, INCLUDING BUT NOT LIMITED TO SUPPLEMENTAL IRRIGATION AND AGRICULTURE USE, DUST AND FROST CONTROL, AND FIRE SUPPRESSION

Priority Date: JUNE 24, 1946

Rate: 0.10 CUBIC FOOT PER SECOND (cfs)

Period of Use: APRIL 2 TO OCTOBER 31

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, irrigated from direct flow and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre, for each acre irrigated during the irrigation season from April 2 to October 31, of each year from direct flow and storage from reservoir constructed under Permit R-846, and shall conform to such reasonable rotation system as may be order by the proper state officer

Source: OLD MINING TUNNEL AND MARTIN RESERVOIR CONSTRUCTED UNDER PERMIT R-846, A TRIBUTARY OF GRIFFIN CREEK WATERSHED

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	DLC	Measured Distances
38 S	2 W	WM	4	NW NW	44	POD R1 - 60 FEET SOUTH AND 455 FEET EAST FROM THE NW CORNER OF SECTION 4

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION AND AGRICULTURE USE					
Twp	Rng	Mer	Sec	Q - Q	Acres
37 S	2 W	WM	33	NE SW	0.8
37 S	2 W	WM	33	NW SW	1.8
37 S	2 W	WM	33	SW SW	4.7
37 S	2 W	WM	33	SE SW	0.7
Total:					8.0

7. Transfer Application T-12959 proposes to change the place of use for the right to:

SUPPLEMENTAL IRRIGATION AND AGRICULTURE USE						
Twp	Rng	Mer	Sec	Q - Q	DLC	Acres
37 S	2 W	WM	33	NE SW	95	0.91
37 S	2 W	WM	33	NW SW	95	3.32
37 S	2 W	WM	33	NW SW	91	1.33
37 S	2 W	WM	33	SW SW	95	2.01
37 S	2 W	WM	33	SE SW	95	0.43
Total:						8.00

8. The second right to be transferred is as follows:

Certificate: 93676 in the name of MARTIN FARMS PROPERTIES, LLC (perfected under Permit S-15772)

Use: IRRIGATION and AGRICULTURE on 8.0 ACRES, INCLUDING BUT NOT LIMITED TO IRRIGATION AND AGRICULTURE, DUST AND FROST CONTROL AND FIRE SUPPRESSION

Priority Date: MAY 11, 1944

Rate: 0.10 CUBIC FOOT PER SECOND (cfs)

Period of Use: APRIL 2 to OCTOBER 31

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 4.5 acre-feet per acre for each acre irrigated during the irrigation season from April 2 to October 31, of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer

Source: A MINING TUNNEL (IN GRIFFIN CREEK WATERSHED), A TRIBUTARY OF BEAR CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	DLC	Measured Distances
37 S	2 W	WM	33	SW SW	95	POD T1 - 1325 FEET NORTH FROM THE SW CORNER OF SECTION 33

Authorized Place of Use:

IRRIGATION AND AGRICULTURE						
Twp	Rng	Mer	Sec	Q - Q	Acres	
37 S	2 W	WM	33	NE SW	0.8	
37 S	2 W	WM	33	NW SW	1.8	
37 S	2 W	WM	33	SW SW	4.7	
37 S	2 W	WM	33	SE SW	0.7	
Total:						8.0

9. Transfer Application T-12959 proposes to change the place of use for the right to:

IRRIGATION AND AGRICULTURE						
Twp	Rng	Mer	Sec	Q - Q	DLC	Acres
37 S	2 W	WM	33	NE SW	95	0.91
37 S	2 W	WM	33	NW SW	95	3.32
37 S	2 W	WM	33	NW SW	91	1.33
37 S	2 W	WM	33	SW SW	95	2.01
37 S	2 W	WM	33	SE SW	95	0.43
Total:						8.00

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

10. Water has been used within the five-year period prior to submittal of the transfer application 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.
11. Diversion structures, reservoir, ditches, pipelines and water delivery systems sufficient to use the full amounts of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12959.
12. The proposed changes would not result in enlargement of the rights
13. The proposed changes would not result in injury to other water rights.

Conclusions of Law

The changes in place of use proposed in Transfer Application T-12959 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use proposed in Transfer Application T-12959 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 Certificates 93676 and 93678 and any related decree.
3. Water right Certificates 93676 and 93678 are cancelled.
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(s) 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 devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. 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 (as required in Special Order Volume 95, Page 917, approving previously approved Transfer Application T-11881) 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.
6. The former places of use of the transferred rights, as modified herein, shall no longer receive water under the rights.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this JAN 13 2020.



Lisa Jaramillo, Transfers and Conservation Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JAN 14 2020