

each year from direct flow and storage from the reservoir constructed under Permit R-5777 and as evidenced by Certificate 81149; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. The right is further limited to the use of stored water on the lands described as supplemental irrigation.

Source: SCOGGINS CREEK, GALES CREEK, and SCOGGINS RESERVOIR / HENRY HAGG LAKE (constructed under Permit R-5777), tributaries to the Tualatin River; AND the TUALATIN RIVER, tributary to the WILLAMETTE RIVER.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	LATITUDE-LONGITUDE
1 S	3 W	WM	08	SW SW	SHPP: 45 DEGREES 29 MINUTES 32.73 SECONDS NORTH AND -123 DEGREES 05 MINUTES 33.85 SECONDS WEST

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
1 N	4 W	WM	11	NE SE	52	12.0	1401	VANDEJEH	N/A
1 N	4 W	WM	11	NW SE	52	18.0	1401	VANDEJEH	N/A
Total:						30.0			

5. Transfer Application T-12840 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
1 N	4 W	WM	11	SE NW	52	8.0	600	DUYCK	N/A
1 N	4 W	WM	11	SW NW	52	22.0	600	DUYCK	N/A
Total:						30.0			

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

Certificate: 81270 in the name of VANDEHAY FARMS, INC. (perfected under Permit S-13388)

Use: SUPPLEMENTAL IRRIGATION of 30.0 acres

Rate: 0.375 CUBIC FOOT PER SECOND (CFS)

Priority Dates: DECEMBER 19, 1938

Limits/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 for each acre irrigated during the irrigation season of each year.

Source: WEST FORK DAIRY CREEK, tributary to DAIRY CREEK.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
1 N	4 W	WM	12	NW SW	52

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
1 N	4 W	WM	11	NE SE	52	12.0	1401	VANDEJEH	N/A
1 N	4 W	WM	11	NW SE	52	18.0	1401	VANDEJEH	N/A
Total:						30.0			

7. Transfer Application T-12840 proposes to change the place of use to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
1 N	4 W	WM	11	SE NW	52	8.0	600	DUYCK	N/A
1 N	4 W	WM	11	SW NW	52	22.0	600	DUYCK	N/A
Total:						30.0			

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

Certificate: 53836 in the name of EUGENE M. VANDEHEY (perfected under Permit S-41777)

Use: IRRIGATION of 30.0 ACRES

Rate: 0.37 CUBIC FOOT PER SECOND (CFS)

Priority Dates: MAY 2, 1977

Limits/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 for each acre irrigated during the irrigation season of each year, provided that no diversion of water is to be made July 31 through September 15 of each year.

Source: WEST FORK DAIRY CREEK, tributary to DAIRY CREEK.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	4 W	WM	12	NW SW	52	3070 FEET SOUTH AND 450 FEET EAST FROM THE NW CORNER OF SECTION 12

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
1 N	4 W	WM	11	SE NW	52	8.0	600	DUYCK	N/A
1 N	4 W	WM	11	SW NW	52	22.0	600	DUYCK	N/A
Total:						30.0			

9. Transfer Application T-12840 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Tax Lot	Water User	Notice
1 N	4 W	WM	11	NE SE	52	12.0	1401	VANDEJEH	N/A
1 N	4 W	WM	11	NW SE	52	18.0	1401	VANDEJEH	N/A
Total:						30.0			

10. The applicant provided clarification of the location of the point of diversion on the West Fork of Dairy Creek described in Findings of Fact 6 and 8, above, as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	4 W	WM	12	NW SW	52	3300 FEET SOUTH AND 600 FEET EAST FROM THE NW CORNER OF SECTION 12

11. The Department finds that the district permanent transfer application was submitted according to ORS 540.580 and OAR 690-385-4000, contains the information required under OARs 690-385-4200 and OAR 690-385-2000, and includes maps meeting the requirements of OARs 690-385-4300 and 690-385-2200.
12. The Department finds that the proposed district permanent transfer meets all the criteria set forth in ORS 540.580 and OAR 690-385-4000.
13. The water right is subject to transfer as defined in OAR 690-385-0100(17).
14. The proposed change in places of use, as conditioned, will not result in enlargement of the right as defined in OAR 690-385-0100(4).
15. The proposed change in place of use, as conditioned, will not result in injury to other water rights as defined in OAR 690-385-0100(6).
16. Any other applicable requirements for district permanent water right transfers are met as required in OAR 690-385-4500.

Conclusions of Law

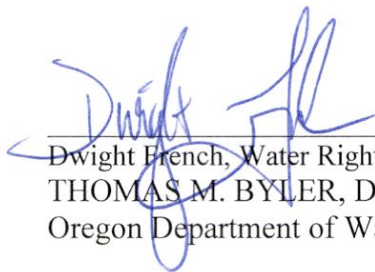
The proposed changes in place of use as proposed in Transfer Application T-12840 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

Now, therefore, it is ORDERED:

1. The proposed changes in place of use to the water right evidenced by Certificates 88122, 81270 and 53836 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use not modified by this order and is subject to all other conditions and limitations contained in Certificates 88122, 81270 and 53836.
3. The proposed changes in place of use as proposed in Transfer Application T-12840 comply with and satisfy the requirements of ORS 540.580 and OAR 690-385-4500.

4. The place of use from which the water right is removed by T-12840 shall no longer be irrigated under the transferred rights.
5. Water use measurement condition:
 - 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 the point of diversion on West Fork Butter Creek at the location described in Finding of Fact 10, above.
 - 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 water user shall maintain and operate the existing measurement device for Certificate 88122 and shall make such improvements as may be required by the Department.
7. Water Right Certificates 81270 and 53836 are hereby cancelled. New certificates will be issued describing those portions of Water Right Certificates 81270 and 53836 NOT modified by this transfer.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. A Claim of Beneficial Use shall be submitted to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. Water right Certificate 88122 is modified. The Department will issue a superseding certificate describing the right when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JUL 13 2018



Dwight French, Water Right Services Administrator for
THOMAS M. BYLER, DIRECTOR
Oregon Department of Water Resources

Mailing Date: JUL 16 2018