



6. On April 10, 2018, the Department received an amended table 1 and 2 of the application, and an amended application map.
7. On April 26, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-12826 because the proposal to allow 2.61 cfs for the transferred portion of the right would constitute enlargement of the right, which could result in injury to other rights. The draft Preliminary Determination cover letter set forth a deadline of May 28, 2018, for the applicants to respond.
8. On April 27, 2018, the applicants agreed to a limit of 1.36 cfs from the proposed well for use on the transferred lands, agreed to install a meter at the new well, and acknowledged their option of entering into a rotational use agreement with the holder of the remaining portion of the right, by notifying the Watermaster, which will establish a basis for the Watermaster to allow each of the water right holders to use the full 2.62 cfs on a rotational schedule. The applicants requested that the Department proceed with processing of the transfer and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
9. On May 14, 2018, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12826 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of June 14, 2018, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination.
10. On May 25, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12826 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 May 29, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
11. The portion of the right to be transferred is as follows:

**Certificate:** 93008 in the name of LYNN R. POPE AND DELYLE AND DANIELLE DIAZ (perfected under Permit G-12431)

**Use:** SUPPLEMENTAL IRRIGATION OF 125.8 ACRES

**Priority Date:** MARCH 6, 1992

**Rate:** 1.36 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** APRIL 15 THROUGH OCTOBER 15

**Source:** A WELL, in the LOST RIVER BASIN



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	33	NE NW	13.32 FEET SOUTH AND 3957.22 FEET WEST FROM THE NE CORNER OF SECTION 33

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	11 E	WM	28	SW NW	12.9
40 S	11 E	WM	28	NW SW	37.1
40 S	11 E	WM	28	SW SW	12.9
40 S	11 E	WM	29	SE NE	12.9
40 S	11 E	WM	29	NE SE	37.1
40 S	11 E	WM	29	SE SE	12.9
TOTAL					125.8

12. Transfer Application T-12826 proposes to move the authorized point of appropriation approximately 500 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	11 E	WM	28	SW SW	WELL 2 - 1111.4 FEET EAST AND 659.5 FEET NORTH FROM THE SW CORNER OF SECTION 28

**Transfer Review Criteria (OAR 690-380-4010)**

13. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
14. 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-12826.
15. The proposed change, as conditioned, will not result in enlargement of the right.
16. The proposed change, as conditioned, will not result in injury to other rights.
17. All other application requirements are met.

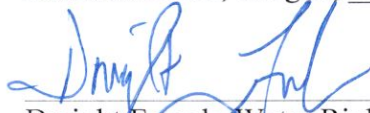
**Conclusions of Law**

The change in point of appropriation proposed in Transfer Application T-12826, as conditioned, is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of appropriation proposed in Transfer Application T-12826 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 93008 and any related decree.
3. Water right Certificate 93008 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
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 appropriation.
  - 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. 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 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 at Salem, Oregon, JUL 13 2018.

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

Mailing date: JUL 16 2018