

4. On October 26, 2018, Santiam Water Control District (District) certified that they consented to the applicant's proposed water right transfer application and maps. Transfer Application T-13050 proposes to transfer a water right within the boundaries of the District.
5. On October 10, 2019, the Department notified the applicant's agent that a portion of the "TO" lands in Sects. 4 and 5, T10S; R2W, WM, would become layered with the lands described by Certificate 23029.
6. On October 15, 2019, the Department received an Affidavit for the Voluntary Partial Diminution of a Water Right Certificate, resolving the deficiency.
7. On October 30, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13050 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 2, 2019, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On October 31, 2019, the applicant's agent requested to extend the date for complete application of water to full beneficial use to October 1, 2024.
9. On December 2, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13050 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 December 3, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
10. The portion of the right to be transferred is as follows:

Certificate: 53767 in the name of SIDNEY IRRIGATION COOPERATIVE (confirmed by North Santiam River (F) Decree)
Use: IRRIGATION of 10.29 ACRES
Priority Date: 1870
Rate: 0.18 CUBIC FOOT PER SECOND
Source: NORTH SANTIAM RIVER, a tributary of SANTIAM RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	2 W	WM	34	SW NE	59	50 FEET NORTH AND 1930 FEET WEST FROM THE E1/4 CORNER OF SECTION 34

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	2 W	WM	33	NE SW	57	9.49
9 S	2 W	WM	33	NW SW	57	0.80
Total						10.29

11. Transfer Application T-13050 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	Receiving landowner
10 S	2 W	WM	4	NW NW	67	1.66	McGill
10 S	2 W	WM	4	NW NW	67	0.34	McGill
10 S	2 W	WM	4	SW NW	67	0.80	McGill
10 S	2 W	WM	5	NE NE	67	1.15	McGill
10 S	2 W	WM	5	SE NE	67	1.01	McGill
10 S	2 W	WM	5	SE NE	67	3.33	McGill
9 S	3 W	WM	35	SW SW		0.40	Gilbert
9 S	3 W	WM	35	SW SW		1.60	Gilbert
Total						10.29	

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

- 12. 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.
- 13. 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-13050.
- 14. The proposed change would not result in enlargement of the right.
- 15. The proposed change would not result in injury to other water rights.
- 16. All other application requirements are met.

Partial Diminution of a Water Right

17. On October 15, 2019, the applicant’s agent submitted an Affidavit for the Voluntary Partial Diminution of a Water Right Certificate from Lucy J. McGill Living Trust, dated March 20, 2014. The portion of the water right to be diminished is as follows:

Certificate: 23029 in the name of Louis E. Peterson (perfected under Permit S-20335)
Use: Irrigation of 7.29 acres
Priority Date: May 11, 1951
Rate: 0.09 cubic foot per second
Source: Marion Creek, a tributary of North Santiam River

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	2 W	WM	5	NE NE	67
10 S	2 W	WM	5	SE NE	67

Authorized Place of Use to be Diminished:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	2 W	WM	4	NW NW	1.40
10 S	2 W	WM	4	SW NW	0.40
10 S	2 W	WM	5	NE NE	1.15
10 S	2 W	WM	5	SE NE	4.34
Total					7.29

Conclusions of Law

The change in place of use proposed in Transfer Application T-13050 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

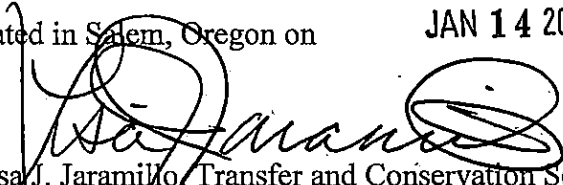
Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13050 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 53767 and any related decree.
3. Water right Certificates 23029 and 53767 are cancelled. A new certificate will be issued describing that portion of the right described by Certificate 53767 not affected by this transfer.
4. Certificate 94705 will be issued to describe that portion of Certificate 23029 being diminished.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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, a new certificate in the name of Sidney Irrigation Cooperative confirming the right transferred will be issued.

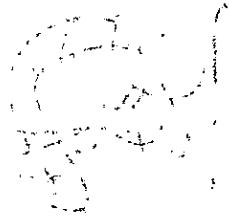
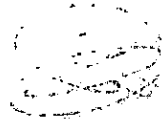
Dated in Salem, Oregon on

JAN 14 2020


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: JAN 15 2020

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