

4. On March 28, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13087 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 26, 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.
5. On June 21, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13087 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 June 25, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. The portion of the right to be transferred is as follows:

Certificate: 54715 in the name of O. M. SCOTT AND SONS (perfected under Permit G-10015)

Use: SUPPLEMENTAL IRRIGATION of 35.7 ACRES

Priority Date: FEBRUARY 10, 1983

Rate: 0.19 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, 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 per acre for each acre irrigated during the irrigation season of each year, 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.

Source: ONE WELL, a tributary of PUDDING RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	2 W	WM	34	SE NE	84	WEST WELL 1 - 2170 FEET SOUTH AND 1100 FEET WEST FROM THE NE CORNER OF SECTION 34

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	2 W	WM	34	SE NE	84	15.4
5 S	2 W	WM	34	NE SE	84	7.8
5 S	2 W	WM	35	SW NW	84	9.2
5 S	2 W	WM	35	NW SW	84	3.3
Total						35.7

7. Transfer Application T-13087 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from the original point of appropriation in feet (ft.)
5 S	2 W	WM	34	SE NE	84	EAST WELL 2 - 2170 FEET SOUTH AND 515 FEET WEST FROM THE NE CORNER OF SECTION 34	584.9 ft.
5 S	2 W	WM	35	SW NW	84	EAST WELL 1 - 2685 FEET NORTH AND 115 FEET EAST FROM THE SE CORNER OF SECTION 34	1266.2 ft.

Transfer Review Criteria (OAR 690-380-4010)

8. 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.
9. 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-13087.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

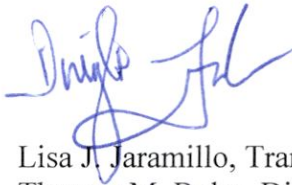
The change in point of appropriation proposed in Transfer Application T-13087 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-13087 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 54715 and any related decree.
3. Water right Certificate 54715 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 points of appropriation (East Well 1 and East Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (West Well 1).

5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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 confirming the right transferred will be issued.

Dated at Salem, Oregon this **AUG 28** 2019 ,



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

Mailing date: **AUG 29** 2019