



6. On December 27, 2016, the Department received a written request from the Applicant's agent requesting to place Transfer Application T-12309 on a 180-day administrative hold, to allow additional time for the applicant to select a proposed well location and to submit an amended application.
7. On January 19, 2017, the Department approved an administrative hold of 180-days for Transfer Application T-12309 until July 18, 2017.
8. On August 7, 2017, the Department received an amended application and map, proposing to change from a surface water point of diversion to a groundwater point of appropriation and to change the place of use of 13.4 acres under Certificate 22655.
9. On January 16, 2017, the Department determined the proposed point of appropriation will not affect the surface water source of the authorized point of diversion "similarly", as outlined in OAR 690-380-2130(2)(c) and 11(b). Stream depletion modeling with the Hunt 2003 analytical model, using a realistic range of hydrologic parameters for the aquifer and Seneca Creek, indicates that the proposed point of appropriation will not affect the surface water source similarly.
10. On February 6, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-12309 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 8, 2018, for the applicant to respond.
11. On March 7, 2018, the applicant's agent submitted an additional page of the application, assigning Blake Crosby as a receiving landowner, a report of ownership for the lands proposed for transfer under Certificate 22655, and a request to remove from the application the change from a surface water point of diversion to a groundwater point of appropriation.
12. On March 7, 2018, the Department contacted the applicant's agent for clarification of the current ownership of the authorized lands and proposed place of use. The Department requested removal of the change from a surface water point of diversion to a groundwater point of appropriation from the map and Table 1 of the application, submission of an amended map and table 1 of the application for a change in place of use only, and a signature page of the application signed by Blake Crosby for Crossroads Land, LLC, deeming Crossroads Land, LLC as the applicant.
13. On April 9, 2018, the Department received an amended application map.
14. On April 10, 2018, the Department received an amended application in the name of Crossroads Land, LLC.



15. On April 27, 2018, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12309 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of May 28, 2018, for the applicant to respond. The applicants would like the completion date to be extended to October 1, 2021, and 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
16. On June 14, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12309 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 19, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
17. The right to be transferred is as follows:

**Certificate:** 22655 in the name of O.C. LESTER, JR (perfected under Permit S-18969)  
**Use:** IRRIGATION of 13.4 ACRES  
**Priority Date:** SEPTEMBER 8, 1949  
**Rate:** 0.17 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, 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.  
**Source:** SENECA CREEK, a tributary of DEER CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
4 S	1 W	WM	30	NE SE	58

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	29	SW NW	58	8.6
4 S	1 W	WM	29	NW SW	58	2.4
4 S	1 W	WM	30	SE NE	58	0.4
4 S	1 W	WM	30	NE SE	58	2.0
TOTAL						13.4

18. Transfer Application T-12309 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	29	SW NW	58	10.3
4 S	1 W	WM	29	NW SW	58	0.8
4 S	1 W	WM	30	SE NE	58	0.9
4 S	1 W	WM	30	NE SE	58	1.4
TOTAL						13.4

***Transfer Review Criteria [OAR 690-380-2130 and OAR 690-380-4010(2)]***

19. 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.
20. 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-12309.
21. The proposed change would not result in injury to other water rights.
22. The proposed change would not result in enlargement of the right.
23. All other application requirements are met.

**Conclusions of Law**

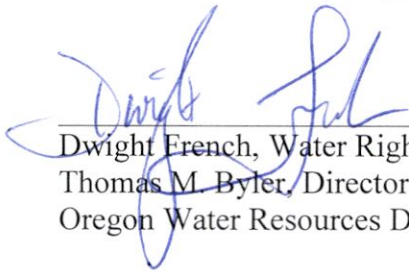
The change in place of use proposed in Transfer Application T-12309 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in place of use proposed in Transfer Application T-12309 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 22655 and any related decree.
3. Water right Certificate 22655 is cancelled.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. 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 change and full beneficial use of the water.

6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon, JUL 30 2018.



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

Mailing date: JUL 31 2018