

- On May 7, 2014, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11698 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 13, 2014, and in the Medford Mail Tribune newspaper on May 13, and 20, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- The portion of the right to be transferred is as follows:

Certificate: 56493 in the name of MAUD KUBLI (confirmed by Rogue River Decree)
Use: IRRIGATION of 22.6 ACRES, DOMESTIC USE AND STOCK USE IN TRACT 1
Priority Date: 1866
Rate: 0.57 CUBIC FOOT PER SECOND
Source: APPLGATE RIVER, tributary to the ROGUE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	3 W	WM	30	SE SW	2510 FEET SOUTH AND 3370 FEET WEST FROM THE NE CORNER OF GEORGE LONG DLC 39

Authorized Place of Use:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	4 W	WM	26	NW NE	5.6
38 S	4 W	WM	26	NE NE	17.0

- Transfer Application T-11698 proposes additional points of diversion approximately two miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	4 W	WM	26	SE NE	POD 2: 1395 FEET SOUTH AND 1565 FEET EAST FROM THE N1/4 CORNER OF SECTION 26
38 S	4 W	WM	26	SE NE	POD 3: 1390 FEET SOUTH AND 1450 FEET EAST FROM THE N1/4 CORNER OF SECTION 26

- The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

- 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.

10. A diversion structure and ditch 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-11698.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Conclusions of Law

The additional points of diversion proposed in Transfer Application T-11698 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.


Now, therefore, it is ORDERED:

1. The additional points of diversion proposed in Transfer Application T-11698 are 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 56493 and any related decree.
3. Water right Certificate 56493 is modified and will be canceled upon approval or denial of T-11620. A new certificate will be issued describing that portion of the right not affected by Transfer Application T-11620 and Transfer Application T-11698.
4. The quantity of water diverted at the additional points of diversion together with that diverted at the original points of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
5. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a weir or flume at the existing diversion and a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each new point of diversion.
 - 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets the state's criteria. The water user shall operate and maintain the fish screen

and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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 this 1 day of July, 2014.



Dwight French
Water Right Services Administrator, for
Director
Oregon Water Resources Department

Mailing Date: JUL 10 2014