

Application for Historic Change in Point of Diversion/Appropriation

Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

WIC

This historic change in point of diversion/appropriation application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Historic Change in Point of Diversion/Appropriation Application Map Checklist.
- Part 3 – Completed Historic Change in Point of Diversion/Appropriation Application – Applicant Information and Signature.
- Part 4 – Completed Historic Change in Point of Diversion/Appropriation Application – Water Right Information. Please include a separate Part 4 for each water right. List all water right certificates to be transferred here:

Attachments:

- Completed Historic Change in Point of Diversion/Appropriation Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Completed Evidence of Use Affidavit and supporting documentation showing that water has been diverted at the actual, current point of diversion/appropriation for more than 10 years.
- Statement from the local Watermaster, based upon the Watermaster's knowledge and Department records, that no complaint of injury has been made due to the use of water at the actual, current point of diversion/appropriation.
- Land Use Information Form with approval and signature (or signed land use form receipt stub).
- N/A Affidavit(s) of Consent to Transfer by Deeded Landowner. Any landowner listed in ownership report for the transfer lands who has not signed this application must submit an affidavit consenting to the historic change in point of diversion/appropriation.
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report/Well Log.
- Fees – Amount enclosed: \$ _____.
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0883.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- Application fee not enclosed/insufficient
- Map not included or incomplete
- Land Use Form not enclosed or incomplete
- Additional signature(s) required
- Part _____ is incomplete

Other/Explanation _____

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503-986-0 _____

Date: ____/____/____

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Part 2 of 4 – Historic Change in Point of Diversion/Appropriation Application Map Checklist

Your historic change in point of diversion/appropriation application will be returned if any of the map requirements listed below are not met.

Please be sure that the historic change in point of diversion/appropriation application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on white or clear paper or film.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, three (3) paper copies and an electronic copy in a .pdf, .tiff or .jpg format are required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) and county tax lot numbers are required.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Authorized point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate.
- Actual, current point of diversion/appropriation. Show the location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A If for more than one actual, current point of diversion/appropriation. separate hachuring is needed for each place of use served by each point of diversion/appropriation, including the number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

| | | | |
|---|--------------------|----------------------------------|---------------------------------------|
| APPLICANT/BUSINESS NAME ERIC L. STROM | | PHONE NO. 503-309-7062 | ADDITIONAL CONTACT NO. |
| ADDRESS 29391 S. MERIDIAN RD. | | | FAX NO. |
| CITY HUBBARD | STATE OR | ZIP 97032 | E-MAIL ERICLSTROM@GMAIL.COM |

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

| | | | |
|--|--------------------|----------------------------------|---|
| AGENT/BUSINESS NAME JAMES SCHUETTE - JMS Engineering | | PHONE NO. 503-559-1146 | ADDITIONAL CONTACT NO. |
| ADDRESS 3000 MARKET ST NE, #426 | | | FAX NO. |
| CITY SALGIN | STATE OR | ZIP 97301 | E-MAIL JMSengineering@questoffice.net |

If an agent is listed above, please check **one** of the following:

- Please send all correspondence to Agent. Send copies of correspondence to Applicant; **OR**
- Please send all correspondence to Applicant. Send copies of correspondence to Agent.
- Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the sole owner of the land on which the water right, or portion thereof, to be changed is located? Yes No

If NO, include signatures of all landowners (and mailing address if different than the applicant's) or attach affidavits of consent (and mailing addresses) from all landowners or individuals/entities to which the water right(s) has been conveyed.

By signing this application, I understand that prior to Department approval of the historic change in point of diversion/appropriation, I will be required to provide landownership information and evidence that I am authorized to pursue the change as identified in OAR 690-380-4010(5).



I (we) affirm that the information contained in this application is true and accurate.

| | | |
|---|---|------------------------|
| <u>ERIC STROM</u> Applicant signature | <u>ERIC L. STROM</u> Name (and title if applicable) (print) | <u>4/13/11</u> Date |
| <u>[Signature]</u> Applicant signature | <u>LYNDA E. STROM</u> Name (and title if applicable) (print) | <u>4/13/11</u> Date |

In your own words tell us what change(s) you want made and the reason for the change(s): _____

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Check the following boxes that apply:

At this time, are the lands in this application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

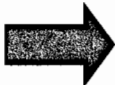
If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. (To learn about sale agreements please visit our web site at: <http://www1.wrd.state.or.us/pdfs/Transfer-PropertyTransactions.pdf>)

| | | | | |
|--------------------------|-------|-----|-----------|------------------------|
| RECEIVING LANDOWNER NAME | | | PHONE NO. | ADDITIONAL CONTACT NO. |
| ADDRESS | | | | FAX NO. |
| CITY | STATE | ZIP | E-MAIL | |

Describe any special ownership circumstances here: _____

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

| | | |
|---|---------------------------------------|---------------------|
| ENTITY NAME <i>LACKAMAS COUNTY PLANNING DEPT</i> | ADDRESS <i>150 Beaver Creek Rd</i> | |
| CITY <i>OREGON CITY</i> | STATE <i>OREGON</i> | ZIP <i>97045</i> |

| | | |
|-------------|---------|-----|
| ENTITY NAME | ADDRESS | |
| CITY | STATE | ZIP |

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Part 4 of 4 – Water Right Information

Please use a separate Part 4 for each water right being changed.
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.

*Should be
85960*

CERTIFICATE # 16648

Description of Water Delivery System

System capacity: 1.63 cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. 15 HP CENTRIFUGAL PUMP THRU 8" MAIN LINE & 3" HAND LINES THRU 1 1/4" NOZZLES.

Table 1. Location of Authorized and Current Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

| POD/POA Name or Number | Is this POD/POA Authorized on the Certificate or is it the Current POD/POA that has been used for more than 10 years? | If POA, OWRD Well Log ID# (or Well ID Tag # L-___) | Twp | Rng | Sec | ¼ ¼ | Tax Lot, DLC or Gov't Lot | Measured Distances (from a recognized survey corner) |
|------------------------|---|--|-----|-----|-----|-------|---------------------------|--|
| ① POD #1 | <input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Current | | 49 | 1W | 36 | NW NE | 120 | 210'S & 190'E FROM N¼ CORNER OF SECTION 36 |
| ② POD #3 | <input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Current | | 49 | 1W | 36 | SW NE | 120 | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Current | | | | | | | |
| | <input type="checkbox"/> Authorized <input type="checkbox"/> Current | | | | | | | |

Check all type(s) of historic change(s) proposed below (change "CODES" are provided in parentheses):

- Point of Diversion (POD) Additional Point of Diversion (APOD)
 Point of Appropriation/Well (POA) Additional Point of Appropriation (APOA)

Will the historic change in point of diversion/appropriation affect the entire water right?

- Yes Complete only the proposed section of Table 2 on the next page.
 No Complete all of Table 2 to describe the portion of the water right to be changed.

- ① POD CHANGED FROM #3 TO #1 UNDER T-9868 FOR 25.2 ACRES.
 ② FOR THE REMAINING 53.3 ACRES TO BE CHANGED FROM POD #3 TO POD #1 UNDER THIS APPLICATION.

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Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Right Certificate # 16448

List only the part of the right that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one actual, current POD/POA, specify the acreage associated with each actual, current POD/POA.

| Authorized ("from" lands) as they appear before the changes | | | | | | | | Proposed Change (POD, POA, APOD, or APOA) | Current (in use for more than ten years) POD(s)/POA(s) to be used (from Table 1) | Priority Date |
|---|-----|-----|-----|-----|---------|----------------|----------------------|---|--|---------------|
| Twp | Rng | Sec | 1/4 | 1/4 | Tax Lot | Gvt Lot or DLC | Acre (if applicable) | | | |
| | | | | | | | | | | |
| 4S | 1W | 36 | NE | NE | 10Z | | 13.6 | POD#3 | POD | POD#1 4/4/39 |
| ① 4S | 1W | 36 | NW | NE | 10Z | | 31.2 | POD#3 | POD | POD#1 4/4/39 |
| 4S | 1W | 36 | SW | NE | 10Z | | 8.5 | POD#3 | POD | POD#1 4/4/39 |
| | | | | | | | | | | |
| 4S | 1W | 36 | NW | SE | 10Z | | 0.2 | POD#1 | | |
| 4S | 1W | 36 | SW | SE | 10Z | | 14.8 | POD#1 | | |
| ② 4S | 1W | 36 | NE | NW | 10Z | | 2.6 | POD#1 | | |
| 4S | 1W | 36 | SE | NW | 10Z | | 7.6 | POD#1 | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

Additional remarks: _____

① 53.3 ACRES TO BE CHANGED TO POD # 1

② 25.2 ACRES CHANGED TO POD # 1 BY T-9868

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For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- Well log(s) are attached for each authorized and current well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. **(Tip: You may search for well logs on the Department's web page at: http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx)**

OR

- Describe the construction of the authorized and current well(s) in Table 3 for any wells that do not have a well log.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application.

| Current or Authorized POA Name or Number | OWRD Well ID Tag No. L-____ (if available) | Total well depth | Casing Diameter | Casing Intervals (feet) | Seal depth(s) (intervals) | Perforated or screened intervals (in feet) | Static water level of completed well (in feet) | Source aquifer (sand, gravel, basalt, etc.) | Well - specific rate (cfs or gpm). If less than full rate of water right |
|--|--|------------------|-----------------|-------------------------|---------------------------|--|--|---|--|
| | | | | | | | | | |
| | | | | | | | | | |
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COPY

Application for Water Right Historic POD/POA Transfer Watermaster Statement



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

I, Michael McCord, Watermaster of District 16,

state that to my knowledge, there has been no claim of injury due to use of an historic point of diversion/appropriation for Certificate 16648

from Poddini River located as follows:
(source)

By Township, Range Section and distances from a Survey Corner:

| Twp | Rng | Mer | Sec | Q-Q | DLC | GLot | Measured Distances |
|-----|-----|------|-----|----------|-----|------|--|
| 4S | 1W | W.M. | 36 | NW NE | | | 210 FEET SOUTH AND 190 FEET EAST FROM N 1/4 CORNER OF SECTION 36 |

OR

by GPS coordinates: Latitude: _____ Longitude: _____

OR

as shown on the attached map.

Michael J. McCord
Signature

3/21/11
Date

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April 2011

Background:

In 2005, I filed TR9868 to move the oldest water rights to the most productive part of my farm. In Jan. of 2007, WRD determined that the authorized POD for Cert. # 16648 was POD #3; I had been pumping all irrigation water from POD# 1 since 1980. In Feb. 2007, I filed an Historic POD APP. to change the POD for Cert. # 16648 to location #1. TR9868 and the Historic POD were approved in 2010, but it was determined that the POD change was only approved for the 25.4 acres covered by TR9868. In the "Evidence of Use Affidavit attachments" some of the documentation is from the 2007 Historic POD appl.

Part 4 of 4 Explanation :

Water Delivery System: The fish screen installed under T-9868 and the distribution system has a capacity in excess of 1.63 ft³/sec; the total volume for Water Rights cert.#'s 16648 & 64511. The portion of the volume for which this Historic POD change is being requested is for the 53.3 acres not included in the T-9868 POD change for Cert.# 16648; a water volume of 0.667 ft³/sec. (see attached Certificate of Water right recorded number 85960, history of POD during Strom ownership, and the first 8 pages of "Claim of Beneficial Use by JMS engr"). This "Claim of Beneficial Use" is written to cover this both TR9868 and this Historic POD change.

Other Attachments:

I included a copy of the "Proposed Change in Water Right POD" sent out for the TR9868 POD change, in the hope that this documentation may save some work.


Eric Strom

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Attachments supporting Historic Change in POD

History of Points of Diversion During Strom Ownership of Whiskey Hill Farm;
29391 S. Meridian Rd., Hubbard, Or.
Refer to attached map by James Schuette, amended.

- 1978 Purchased farm; only point of diversion was POD #2.
- 1979 Applied for second water right; certificant #64511. Completed construction for use of POD #1; A new buried PGE power line and service was installed.
- 1980 We started using POD#1 for both irrigation certifiants 64511 and 16648. The single use of POD#1 has been continuous to present time.
- 1985 Installed 8" PVC buried irrigation system with the only supply point being POD#1.
- 2003 The mile long burried power line to POD#1 had to be replaced because of deterioration over 23 years.

Proof POD#1 use for more than 10 years: Attached:

- #1 Letter from PGE; power line installed 1979; existing meter on service since 1996.
- #2 Letter from Steve Koch; witnessed use of POD#1 1991 to present date.
- #3 Letter from Larry Krupicka; witnessed use of POD#1, 1991 to present.

Eric Strom
Eric Strom, Owner

Witnessing or Attesting a Signature

State of OREGON
 County of Clackamas
 Signed or attested before me on 7, February 2007 by Eric Strom

 Notary Public - State of Oregon

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OFFICIAL SEAL
 JOY BACKSTROM
 NOTARY PUBLIC-OREGON
 COMMISSION NO. 390018
 MY COMMISSION EXPIRES FEBRUARY 24, 2009

STATE OF OREGON
 COUNTY OF CLACKAMAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

FLOYD LENHARDT
 HUBBARD, OREGON

confirms the right to use the waters of the PUDDING RIVER, a tributary to the MOLALLA RIVER for IRRIGATION of 53.3 ACRES.

This right was perfected under Permit S-13550. The date of priority is APRIL 4, 1939. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.667 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q |
|-----|-----|-----|-----|-------|
| 4 S | 1 W | WM | 36 | SW NE |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

| IRRIGATION | | | | | |
|------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 4 S | 1 W | WM | 36 | NE NE | 13.6 |
| 4 S | 1 W | WM | 36 | NW NE | 31.2 |
| 4 S | 1 W | WM | 36 | SW NE | 8.5 |

This certificate describes that portion of the water right confirmed by Certificate 16648, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 15 2010 approving Transfer Application T-9868 approving a historic change in point of diversion and change in place of use.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed January 15, 2010.


 Phillip C. Ward, Director

STATE OF OREGON
 COUNTY OF CLACKAMAS
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LYNDA E. STROM
 29391 S MERIDIAN ROAD
 HUBBARD, OREGON 97032

confirms the right to use the waters of the PUDDING RIVER, a tributary to the MOLALLA RIVER for IRRIGATION of 26.8 ACRES.

This right was perfected under Permit S-43868. The date of priority is JANUARY 23, 1979. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.335 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

| Twp | Rng | Mer | Sec | Q-Q | Survey Coordinates |
|-----|-----|-----|-----|-------|--|
| 4 S | 1 W | WM | 36 | NW NE | 210 FEET SOUTH AND 190 FEET EAST FROM N1/4 CORNER OF SECTION 36 |
| 4 S | 1 W | WM | 36 | SW NE | 1780 FEET SOUTH AND 550 FEET EAST FROM N1/4 CORNER OF SECTION 36 |

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

| IRRIGATION | | | | | | | |
|------------|-----|-----|-----|-------|------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres |
| 4 S | 1 W | WM | 25 | SW SE | 4 | | 10.0 |
| 4 S | 1 W | WM | 25 | SE SE | | | 8.4 |
| 4 S | 1 W | WM | 36 | NW NE | | 53 | 4.0 |
| 4 S | 1 W | WM | 36 | NE NW | | 53 | 4.4 |

This certificate describes that portion of the water right confirmed by Certificate 64511, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 15 2010, approving Transfer Application T-9868 for a change in place of use.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed January 15, 2010


 Phillip C. Ward, Director

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-9868, Clackamas, County)
)
) **FINAL ORDER APPROVING
) CHANGES IN PLACE OF USE AND
) POINT OF DIVERSION TO REFLECT
) HISTORIC USE**

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicants

ERIC AND LYNDIA STROM
39391 S MERIDIAN RD
HUBBARD, OREGON 97032

Findings of Fact

Background

- 1. On February 17, 2005, Eric and Lynda Strom filed a transfer application for a change in place of use under Certificates 16448 and 64511. The Department assigned the application number T-9868.
- 2. On February 16, 2007, the applicant submitted a revised application and a revised map, adding a change in point of diversion to include historic use under Certificate 16648.
- 3. On August 5, 2009, Oregon Department of Fish and Wildlife submitted a revised fish and wildlife comment form to reflect the amendment to the transfer.
- 4. The portion of the first right to be transferred is as follows:
 - Certificate:** 16648 in the name of Floyd Lenhardt (perfected under Permit S-13550)
 - Use:** IRRIGATION of 25.2 ACRES
 - Priority Date:** APRIL 4, 1939
 - Rate:** 0.315 CUBIC FOOT PER SECOND

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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: PUDDING RIVER, tributary to the MOLALLA RIVER

Authorized Points of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Survey Coordinates |
|-----|-----|-----|-----|-------|--|
| 4 S | 1 W | WM | 36 | NW NE | POD #1; 210 FEET SOUTH AND 190 FEET EAST FROM N1/4 CORNER OF SECTION 36 |
| 4 S | 1 W | WM | 36 | SW NE | POD #2; 1780 FEET SOUTH AND 550 FEET EAST FROM N1/4 CORNER OF SECTION 36 |

Authorized Place of Use:

| IRRIGATION | | | | | | | |
|--------------|-----|-----|-----|-------|------|-----|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres |
| 4 S | 1 W | WM | 25 | NW SE | 3 | | 0.2 |
| 4 S | 1 W | WM | 25 | SW SE | 4 | | 14.8 |
| 4 S | 1 W | WM | 36 | NE NW | | 53 | 2.6 |
| 4 S | 1 W | WM | 36 | SE NW | | 53 | 7.6 |
| Total Acres: | | | | | | | 25.2 |

8. Application T-9868 proposes to change the place of with the place of use described in Finding of Fact #4, also known as a “flip flop.” The proposed place of use is to be located at:

| IRRIGATION | | | | | |
|--------------|-----|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 4 S | 1 W | WM | 36 | NE NE | 9.4 |
| 4 S | 1 W | WM | 36 | SW NE | 14.6 |
| 4 S | 1 W | WM | 36 | SE NE | 1.2 |
| Total Acres: | | | | | 25.2 |

9. Notice of the application for transfer was published on March 15, 2005, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
10. On November 3, 2009, the Department mailed a copy of the document proposing to approve Transfer Application T- 9868 to the applicant. On November 5, 2009 the applicant reviewed the draft document and approved the items addressed. The applicant provided the necessary information to demonstrate that they are authorized to pursue the transfer.
11. On December 11, 2009, the Department issued a Preliminary Determination proposing to approve Transfer T-9868 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 15, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
12. 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

4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
5. The former place of use of the transferred rights shall no longer receive water under the original rights.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. Prior to October 1, 2011, 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 was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. The approved change in place of use shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change in place of use and full beneficial use of the water.
9. When satisfactory proof of the completed change in place of use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 15th day of January 2010.


Ar Phillip C. Ward, Director

Mailing date: JAN 22 2010

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FLOYD LENHARDT

of Hubbard, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pudding River, a tributary of Molalla River, for the purpose of irrigation

under Permit No. 13550 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 4, 1939

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.982 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 4 South, Range 1 West, W. M.

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 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

23.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
31.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
23.1 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 36
T. 4 S., R. 1 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 30th day of December, 1919.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 13, page 16648