



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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June 26, 2012

### VIA E-MAIL

DUANE NEIFFER  
67795 MCNAB LANE  
IONE, OR 97843  
[Neiffer333@msn.com](mailto:Neiffer333@msn.com)

SUBJECT: Water Right Transfer Application T-11314

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11314. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0881 or [Teri.K.Hranac@wrđ.state.or.us](mailto:Teri.K.Hranac@wrđ.state.or.us) if I may be of assistance.

Sincerely,

Teri Hranac  
Transfer Specialist  
Transfer and Conservation Section

Enclosures

cc: T-11314  
Kenneth C. Thiemann, District 21 Watermaster (via e-mail)  
Ronald V. McKinnis, Agent for the applicant (via e-mail at [RonM@portofmorrow.com](mailto:RonM@portofmorrow.com))  
Shonee Langford, (via e-mail at [slangford@schwabe.com](mailto:slangford@schwabe.com))





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

In the Matter of Transfer Application            )    PRELIMINARY DETERMINATION  
T-11314, Morrow County                    )    PROPOSING APPROVAL OF  
  )    CHANGES IN PLACE OF 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.

**Applicant**

DUANE NEIFFER  
67795 MCNAB LANE  
IONE, OR 97843

**Agent**

MCKINNIS ENGINEERING  
RONALD V. MCKINNIS  
79980 PRINDLE LOOP RD  
HERMISTON, OR 97838

**Findings of Fact**

**Background**

1. On November 7, 2011, DUANE NEIFFER filed an application to change the place of use under Certificate 184½. The Department assigned the application number T-11314.
2. On March 30, 2012, the applicant submitted Supplemental Form D for the irrigation and supplemental irrigation under Permit S-54649.
3. On April 9, 2012, the applicant amended the application to include the irrigation and supplemental irrigation under Permit S-54649.
4. On May 3, 2012, the applicant corrected the amended application and map for Permit S-54649 to accurately reflect the points of diversion.
5. The portion of the first right to be transferred is as follows:

**Certificate:** 184½ in the name of MARGARET REANEY (confirmed by Willow Creek Decree)  
**Use:** IRRIGATION OF 2.5 ACRES  
**Priority Date:** 1890

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

**Rate:** 0.04 CUBIC FOOT PER SECOND  
**Period of Use:** APRIL 1 TO JUNE 10  
**Source:** WILLOW CREEK, tributary to the COLUMBIA RIVER

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	28	SW NE	2.5

6. Certificate 184½ does not describe the location of the point of diversion, however information is available from the Certified Water Right Examiner indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	28	NE SE	1340 FEET NORTH AND 250 FEET WEST FROM THE SE CORNER OF SECTION 28
1 S	25 E	WM	28	NE SE	2560 FEET NORTH AND 1280 FEET WEST FROM THE SE CORNER OF SECTION 28

7. Transfer Application T-11314 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	27	NW SW	2.5

8. The portion of the second right to be transferred is as follows:

**Permit:** S-54649 in the name of WILLOW CREEK DISTRICT IMPROVEMENT CO. (Application S-87373)

**Use:** IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2.5 ACRES

**Priority Date:** JANUARY 6, 2009

**Maximum**

**Volume:** 7.5 ACRE FEET (SUBJECT TO THE BYLAWS OF THE WILLOW CREEK DISTRICT IMPROVEMENT COMPANY)

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

**Period of Use:** PRIMARY IRRIGATION MARCH 1 THROUGH MARCH 31, SUPPLEMENTAL IRRIGATION APRIL 1 THROUGH JULY 15, AND PRIMARY IRRIGATION JULY 16 THROUGH OCTOBER 31

**Source:** WILLOW CREEK RESERVOIR (CONSTRUCTED UNDER PERMIT R-10880), tributary to WILLOW CREEK

**Authorized Dam Location:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 27
1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	28	SW NE	2.5

9. Transfer Application T-11314 proposes to change the place of use of the right to:

IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	27	NW SW	2.5

10. Notice of the application for transfer was published on November 15, 2011, pursuant to OAR 690-380-4000. An amended notice of the transfer application was published on May 15, 2012. No comments were filed in response to the notices.
11. On May 22, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11314 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 22, 2012, 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.

***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 rights. 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 rights were present within the five-year period prior to submittal of Transfer Application T-11314.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes would not result in injury to other water rights.


**Determination and Proposed Action**

The changes in place of use proposed in Transfer Application T-11314 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-11314 is approved, the final order will include the following:*

- 1. The changes in place of use proposed in Transfer Application T-11314 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 184½, Permit S-54649, and any related decree.*
- 3. Water right certificate 184½ is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. Permit S-XXXXX in the name of Willow Creek District Improvement Co., is issued to replace Permit S-54649, and incorporates the change in place of use approved by this order and the order issued for Transfer Application T-11313. Permit S-54649, in the name of Willow Creek District Improvement Co., is no longer of any force or effect.*
- 5. The former places of use of the transferred rights shall no longer receive water under the rights.*
- 6. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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 changes and full beneficial use of the water.*
- 7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred under Certificate 184½ will be issued.*

Dated at Salem, Oregon this 27<sup>th</sup> day of June, 2012.



Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or [teri.k.hranac@wrdd.state.or.us](mailto:teri.k.hranac@wrdd.state.or.us).

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for  
Water Right Transfer T-11314**

T-11314 filed by Duane Neiffer, 67795 McNab Lane, Ione, OR 97843, proposes a place of use change under Certificates 184½ and Permit S-54649. Certificate 184½ allows the use of 0.04 cubic foot per second from Willow Creek in Sec. 28, T 1 S, R 25 E, W.M. for irrigation within Sec. 28. Permit S-54649 allows the use of 7.5 acre feet from Willow Creek Reservoir in Sec. 35, T 2 S, R 26 E, W.M. for irrigation and supplemental irrigation in Sec. 28, T 1 S, R 25 E, W.M. The applicant proposes to move the place of use to Sec. 27, T. 1 S, R 25 E, W.M. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by a \$600 protest fee for non-applicant, or \$300 protest fee for applicant. A Water Right Transfer Protest Form is available at [http://www.oregon.gov/OWRD/PUBS/docs/forms/TransferProtestForm09\\_09.pdf](http://www.oregon.gov/OWRD/PUBS/docs/forms/TransferProtestForm09_09.pdf), or by calling 503-986-0888. Protests must be received by the Department on or before 30 days after WRD notice. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.





STATE OF OREGON  
COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
530 CENTER ST NE, SUITE 400  
SALEM OR 97301

**This superseding permit is issued to describe a change in place of use proposed under Transfer Applications T-11313 and T-11314 and approved by Special Order Vol. 87, Page \_\_\_\_\_, and Special Order Vol. 87, Page \_\_\_\_\_, entered \_\_\_\_\_, 2012. This permit supersedes Permit S-54649.**

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-87373

SOURCE OF WATER: WILLOW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-10880, TRIBUTARY TO WILLOW CREEK

USE: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2538.14 ACRES

MAXIMUM VOLUME: 2500.0 ACRE FEET

DATE OF PRIORITY: JANUARY 6, 2009

PERIOD: SEE TABLE BELOW

**Authorized Dam Location:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

**Authorized Points of Diversion (POD):**

HOSKINS MAP #1	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	27	SE NW	1810 FEET SOUTH AND 400 FEET WEST FROM THE N¼ CORNER OF SECTION 27
POD 3	2 S	26 E	WM	27	SW NE	2510 FEET SOUTH AND 200 FEET EAST FROM THE N¼ CORNER OF SECTION 27

DAMON MAP #2A AND 2B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	8	SW SW	100 FEET NORTH AND 550 FEET EAST FROM THE SW CORNER OF SECTION 8
POD 2	2 S	26 E	WM	21	NE SW	2150 FEET NORTH AND 1300 FEET WEST FROM THE S¼ CORNER OF SECTION 21
POD 3	2 S	26 E	WM	21	SW SE	50 FEET NORTH AND 1150 FEET EAST FROM THE S¼ CORNER OF SECTION 21

<b>NEIFFER MAP #3A AND 3B</b>	<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
POD 1	1S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 27
POD 2	1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER OF SECTION 28
POD 3	1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 1

<b>McELLAGOTT MAP #4</b>	<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
POD 1	1S	24 E	WM	12	SE NE	50 FEET NORTH AND 1960 FEET EAST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 12

<b>EMERT RANCHES MAP #5</b>	<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
POD 2	1S	24 E	WM	11	SE NE	2120 FEET SOUTH AND 30 FEET WEST FROM THE NE CORNER OF SECTION 11
POD 3	1S	24 E	WM	11	SW NE	1400 FEET SOUTH AND 1000 FEET EAST FROM THE N <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 11
POD 4	1S	24 E	WM	11	SE NW	1750 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 11
POD 5	1S	24 E	WM	10	NE NE	20 FEET SOUTH AND 1240 FEET WEST FROM THE NE CORNER OF SECTION 10

<b>THOMPSON MAP #6B AND 6C</b>	<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
POD 1	2S	26 E	WM	7	SE NW	2350 FEET SOUTH AND 3040 FEET WEST FROM THE NE CORNER OF SECTION 7
POD 2	2S	26 E	WM	17	NE SW	800 FEET SOUTH FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 17

<b>MEYER MAP #7</b>	<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
POD 1	1 S	25 E	WM	35	NE SE	1540 FEET NORTH AND 2100 FEET EAST FROM THE S <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 35

<b>HARRISON MAP #8</b>	<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Measured Distances</b>
POD 1	1S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28
POD 2	1S	25 E	WM	20	NW SE	1695 FEET NORTH AND 1325 FEET WEST FROM THE SE CORNER OF SECTION 20

TEMPLE MAP #9	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	36	SW SW	560 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 36
POD 2	2 S	25 E	WM	1	SW NE	910 FEET NORTH AND 140 FEET EAST FROM THE C¼ CORNER OF SECTION 1

SHATTUCK /BARROW MAP #10	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	25 E	WM	1	SW NE	920 FEET NORTH AND 160 FEET EAST FROM THE C¼ CORNER OF SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. 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.

**Authorized Place of Use: ( \* represents land with existing ground water right for primary irrigation)**

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	4.40	1 S	23 E	WM	1		3/1 through 10/31	
NE SW*	1.30	1 S	23 E	WM	1		3/1 through 10/31	
NW SW*	25.10	1 S	23 E	WM	1		3/1 through 10/31	
SW SW*	14.70	1 S	23 E	WM	1		3/1 through 10/31	
SE SW*	18.80	1 S	23 E	WM	1		3/1 through 10/31	
SW SE*	0.70	1 S	23 E	WM	1		3/1 through 10/31	
NW NE*	31.10	1 S	23 E	WM	12		3/1 through 10/31	
NE NW*	14.20	1 S	23 E	WM	12		3/1 through 10/31	
NW NW*	0.70	1 S	23 E	WM	12		3/1 through 10/31	
SW SW	1.50	1 S	24 E	WM	2		3/1 through 10/31	
SE SW	5.20	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SE SW	3.00	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SE SW	4.00	1 S	24 E	WM	3		3/1 through 10/31	
SE SW	1.10	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	1.80	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SW SE	4.30	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	0.40	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SW SE	15.40	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	2.70	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	6.80	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	12.50	1 S	24 E	WM	3		3/1 through 10/31	
NE NE	2.70	1 S	24 E	WM	10		3/1 through 10/31	
NE NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NE NE	5.00	1 S	24 E	WM	10		3/1 through 10/31	
NW NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NE	1.00	1 S	24 E	WM	10		3/1 through 10/31	
NE NW	22.65	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NW	3.40	1 S	24 E	WM	10		3/1 through 10/31	
NW NW	9.00	1 S	24 E	WM	10		3/1 through 9/30	10/1 through 10/31
NW NE	1.70	1 S	24 E	WM	11		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NE	0.10	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NE	1.40	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	11.70	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	5.00	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	17.30	1 S	24 E	WM	11		3/1 through 10/31	
SW NE	3.10	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	3.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NE	5.20	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	22.20	1 S	24 E	WM	11		3/1 through 10/31	
NE NW	13.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	4.40	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	13.40	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NW NW	2.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NW	3.80	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	2.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	5.30	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
SW NW	0.30	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	5.11	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	6.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NW	5.80	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	2.33	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NE SE	10.90	1 S	24 E	WM	11		3/1 through 10/31	
NW SE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	17.00	1 S	24 E	WM	12		3/1 through 10/31	
SE NW	5.00	1 S	24 E	WM	12		3/1 through 10/31	
NE SW	28.00	1 S	24 E	WM	12		3/1 through 10/31	
NW SW	29.00	1 S	24 E	WM	12		3/1 through 10/31	
SE SW	13.00	1 S	24 E	WM	12		3/1 through 10/31	
SW NW	5.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW NW	7.18	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	1.21	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	5.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NE SW	18.14	1 S	25 E	WM	20		3/1 through 10/31	
NW SW	1.54	1 S	25 E	WM	20		3/1 through 10/31	
NE SE	2.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NW SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SE SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW SW	13.00	1 S	25 E	WM	21		3/1 through 8/1	8/2 through 10/31
NW SW	2.50	1 S	25 E	WM	27	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SW NE	15.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NW	5.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SE NW	8.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE SE	20.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 10/31	
NW SE	1.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NE	11.20	1 S	25 E	WM	34		3/1 through 10/31	
NE NE*	4.50	1 S	25 E	WM	34		3/1 through 10/31	
NW NE	1.00	1 S	25 E	WM	34		3/1 through 10/31	
NW NE*	16.20	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	39.30	1 S	25 E	WM	34		3/1 through 10/31	
SE NE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NE NW*	10.90	1 S	25 E	WM	34		3/1 through 10/31	
NW NW*	21.90	1 S	25 E	WM	34		3/1 through 10/31	
SW NW*	30.40	1 S	25 E	WM	34		3/1 through 10/31	
SE NW*	16.80	1 S	25 E	WM	34		3/1 through 10/31	
NE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NW SE*	34.40	1 S	25 E	WM	34		3/1 through 10/31	
SW SE*	30.10	1 S	25 E	WM	34		3/1 through 10/31	
SE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	0.40	1 S	25 E	WM	35		3/1 through 10/31	
SW NE	2.80	1 S	25 E	WM	35		3/1 through 10/31	
NW NW	1.40	1 S	25 E	WM	35		3/1 through 10/31	
NW NW*	0.70	1 S	25 E	WM	35		3/1 through 10/31	
SW NW	5.10	1 S	25 E	WM	35		3/1 through 10/31	
SW NW*	32.80	1 S	25 E	WM	35		3/1 through 10/31	
SE NW	11.60	1 S	25 E	WM	35		3/1 through 10/31	
SE NW*	13.30	1 S	25 E	WM	35		3/1 through 10/31	
NE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NE SE	3.20	1 S	25 E	WM	35		3/1 through 10/31	
NE SE*	7.30	1 S	25 E	WM	35		3/1 through 10/31	
NW SE	9.80	1 S	25 E	WM	35		3/1 through 10/31	
NW SE*	26.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SE*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SE*	31.50	1 S	25 E	WM	35		3/1 through 10/31	
SW SW	13.32	1 S	25 E	WM	36		3/1 through 9/1	9/2 through 10/31
SE SW	1.90	1 S	25 E	WM	36		3/1 through 10/31	
NE NW	13.40	2 S	25 E	WM	1		3/1 through 10/31	
NE NW	2.40	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
SE NW	2.20	2 S	25 E	WM	1		3/1 through 10/31	
SE NW	0.30	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
NE NE*	17.60	2 S	25 E	WM	2		3/1 through 10/31	
NW NE*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SW NE*	36.80	2 S	25 E	WM	2		3/1 through 10/31	
SE NE*	9.40	2 S	25 E	WM	2		3/1 through 10/31	
NE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NW NW*	39.20	2 S	25 E	WM	2		3/1 through 10/31	
SW NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NE NE*	12.00	2 S	25 E	WM	12		3/1 through 10/31	
SE NE*	24.00	2 S	25 E	WM	12		3/1 through 10/31	
NE SE*	5.00	2 S	25 E	WM	12		3/1 through 10/31	
NE NE*	19.60	2 S	26 E	WM	7		3/1 through 10/31	
NW NE*	29.70	2 S	26 E	WM	7		3/1 through 10/31	
SW NE*	34.90	2 S	26 E	WM	7		3/1 through 10/31	
SE NE*	16.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW	26.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW*	12.20	2 S	26 E	WM	7		3/1 through 10/31	
NW NW	10.00	2 S	26 E	WM	7		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NW*	17.00	2 S	26 E	WM	7		3/1 through 10/31	
SW NW*	32.30	2 S	26 E	WM	7		3/1 through 10/31	
SE NW	9.00	2 S	26 E	WM	7		3/1 through 10/31	
SE NW*	23.30	2 S	26 E	WM	7		3/1 through 10/31	
NE SW	4.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SW*	25.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SW*	38.50	2 S	26 E	WM	7		3/1 through 10/31	
SW SW*	38.80	2 S	26 E	WM	7		3/1 through 10/31	
SE SW*	40.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SE	15.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
NE SE*	1.70	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	11.80	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	2.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	18.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE*	13.10	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	1.40	2 S	26 E	WM	7		3/1 through 10/31	
SW SE	5.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE	30.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE*	2.80	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	6.00	2 S	26 E	WM	8		3/1 through 10/31	
SW NW*	0.50	2 S	26 E	WM	8		3/1 through 10/31	
NW SW*	3.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	9.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	1.85	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	7.00	2 S	26 E	WM	8		3/1 through 10/31	
NE NW	1.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NW NW	28.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW	4.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW*	13.20	2 S	26 E	WM	17		3/1 through 10/31	
SE NW	8.87	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SE NW*	15.63	2 S	26 E	WM	17		3/1 through 10/31	
NE SW	2.39	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NE SW*	32.51	2 S	26 E	WM	17		3/1 through 10/31	
NW SW*	33.20	2 S	26 E	WM	17		3/1 through 10/31	
SW SW*	34.50	2 S	26 E	WM	17		3/1 through 10/31	
SE SW*	39.80	2 S	26 E	WM	17		3/1 through 10/31	
NE SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE*	9.00	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE	12.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SW SE	15.80	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
SW SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE*	2.60	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE	4.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE	2.80	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE*	4.10	2 S	26 E	WM	17		3/1 through 10/31	
SE SE	4.00	2 S	26 E	WM	17	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE SE	4.20	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
NE NE*	5.10	2 S	26 E	WM	18		3/1 through 10/31	
NE NE	19.00	2 S	26 E	WM	20	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
NE NE	0.30	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NE NE*	3.00	2 S	26 E	WM	20		3/1 through 10/31	
SE NE	1.90	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
SW NW	32.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SW NW*	0.17	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW*	1.15	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW	16.00	2 S	26 E	WM	21	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE NW	4.50	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SE NW*	2.30	2 S	26 E	WM	21		3/1 through 10/31	
SE NW*	1.65	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NE SW	4.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW	3.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW*	2.20	2 S	26 E	WM	21		3/1 through 10/31	
SW NE	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NE NW	4.50	2 S	26 E	WM	27		3/1 through 10/31	
NW NW	4.20	2 S	26 E	WM	27		3/1 through 10/31	
SW NW	4.70	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	19.90	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	1.10	2 S	26 E	WM	27		3/1 through 10/31	
NE SW	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NW SE	2.00	2 S	26 E	WM	27		3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The use of water under this right is subject to the terms and conditions of Contract No. 129E101776, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company.

The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies.

### STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
8. Completion of construction and application of the water shall be made by April 6, 2015. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.



9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued \_\_\_\_\_ 2012.

**DRAFT**

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Dwight French, Water Right Services Administrator, for  
For PHILLIP C. WARD, DIRECTOR  
Water Resources Department

