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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-12033 Review Due Date: 5/23/2015

Applicant Name: Mark and Sandra Easley

Proposed Changes: ☒ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Greg Silbernagel Date of Review: May. 7, 2015

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)

2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☒ Yes ☐ No
   Generally characterize the frequency of any regulation or explain why regulation has not occurred: Lower McKay Creek is regulated annually to meet the demands of Lower McKay Creek and Umatilla River irrigators. It also is a conveyance channel for McKay Reservoir stored water. OWRD staff monitor irrigation use monthly by reading required flowmeters.

3. Have headgate notices been issued for the source that serves the transferred right(s)?
   ☒ Yes ☐ No ☐ Records not available.

4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
   ☒ Yes ☐ No If "Yes", explain: POD #2 is the location of a natural spring that arises on the property mixed with waters of McKay Creek that surface on the backside of a levee. The backwater can vary based off of the flows in McKay Creek but the spring runs consistantly.

5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____. ☐ N/A

7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____. ☐ N/A

Last revised 7-24-2012

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain: _____

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____

11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? ☒ Yes ☐ No If "Yes", explain: 1) Regulation will be based off of water available at original POD.

12. What alternatives may be available for addressing any issues identified above: 1) To prevent injury caused by access to additional spring water at POD 2, all regulation will be based off of water available at original upstream POD. If water is not available at original POD, landowner shall not be utilizing POD 2.

13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked below:

    ☐ A Headgate should be required prior to diverting water.

    ☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)

    a. ***Before water use may begin*** *under this order, the water user shall install a* ***totalizing flow meter****, or, with prior approval of the Director, another suitable measuring device,* ☐ *at each point of diversion/appropriation (new and existing) or* ☒ *at each new point of diversion/appropriation.*

    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.

    ☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)

    a. ***Before water use may begin*** *under this order, the water user shall install* ***staff gages****, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

    b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other

suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* **The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:**

☐ Weir ☐ Submerged Orifice

☐ Parshall Flume ☐ Flow Restrictor

☒ Other: Flowmeteres are required on this section of the river and already a condition of the existing water right. Any new POD's should also have a totalizing flowmeter installed and be accessible to the Watermaster during monthly readings.

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12033

☒ In order to avoid enlargement of the right or injury to other rights, a totalizing flowmeter will be required to be installed **prior to diversion of water**, as a condition of this transfer:

☐ *at each point of diversion/appropriation (new and existing)* ***or***

☒ *at each new point of diversion/appropriation.*

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name:Greg Silbernagel

District: 5

Address: 116 SE Dorion Avenue

City/State/Zip: Pendleton, Oregon 97801

Phone: (541)278-5456

Email: Greg.M.Silbernagel@wrd.state.or.us

***Note**: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.*

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Approval of an Alternate Measurement Device T-____

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

_____

_____

_____ _____ _____

Watermaster signature District Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266