



# Oregon

Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

April 26, 2016

Ed Bowles, Administrator  
Fish Division  
Oregon Department of Fish and Wildlife  
4034 Fairview Industrial Dr SE  
Salem, Oregon 97302

REFERENCE: Transfer T-12159

Dear Mr. Bowles:

The Water Resources Department has determined that approval of Water Right Transfer T-12159 would result in injury to instream water right Certificates 59939 and 81500 both on the North Umpqua River, due to reduction of flow within the reach between the authorized points of diversion (POD) and the proposed upstream PODs, unless the transfer was conditioned so as to avoid or mitigate for injury. The transfer proposes to move the point of diversion on the North Umpqua River upstream approximately 380 and 590 feet respectively from the authorized diversion points located as follows:

### **Certificate 86120**

#### **Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	5 W	WM	30	NW NE	47	2940 FEET SOUTH AND 3360 FEET EAST FROM THE W 1/4 CORNER OF SECTION 19
26 S	6 W	WM	24	SE SE	44	2600 FEET SOUTH AND 550 FEET WEST FROM THE W 1/4 CORNER OF SECTION 19

#### **Proposed Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	5 W	WM	30	NW NE	47	3106 FEET SOUTH AND 3692 FEET EAST FROM THE W 1/4 CORNER OF SECTION 19
26 S	5 W	WM	30	NW NE	47	3146 FEET SOUTH AND 3949 FEET EAST FROM THE W 1/4 CORNER OF SECTION 19

The Department's streamflow model predicts that natural flow in the North Umpqua River is insufficient to meet the requirements of the instream rights. Based on potential impacts on the instream water rights, we issued a Preliminary Determination (enclosed) proposing to deny the transfer unless the ODFW recommends that the Water Resources Department consent to injury of the instream water rights as per OAR 690-380-5050.

The applicant has requested that we pursue ODFW recommendations on whether we should consent to the injury of the instream water rights pursuant to ORS 540.530(c).

We hereby request a recommendation on whether we should consent to the injury to the instream water rights that would result if water right Transfer T-12159 were to be approved. We are enclosing a copy of the transfer application, our Preliminary Determination, and other supporting information to assist you in determining if the project would result in net benefits to the resource and in preparing a recommendation. Please send your recommendation c/o Tracy Fox at the address above. Do not hesitate to contact Tracy at 503-986-0827 or Tracy.L.Fox@wr.d.state.or.us if you have questions or need additional information about the proposed transfer.

Sincerely,



Dwight French  
Water Right Services Division Administrator

enclosures

cc: Transfer Application file T-12159  
William and Denise Blackwell, Transfer Applicants (*via e-mail*)  
Steven and Rebecca Blum, Receiving Landowners (*via e-mail*)  
Nathan R. Reed, Agent for the applicants and CWRE (*via e-mail*)  
Larry Mentee, OWRD Southwest Region Manager (*via e-mail*)  
David Williams, OWRD, District 15 Watermaster (*via e-mail*)  
Greg Huchko, ODFW, Fish Biologist (*via e-mail*)  
Rich Kilbane, ODFW (*via e-mail*)  
Jason Brandt, ODFW, Assistant District Fish Biologist (*via e-mail*)



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

**This transfer application will be returned if Parts 1 through 5 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 Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature. ✓
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 86120**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)

**Attachments:**

- Completed Transfer Application Map. ✓
- Completed Evidence of Use Affidavit and supporting documentation. ✓
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt ✓ stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

**(For Staff Use Only)**

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

- |  |   |
|--|---|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete  | <input type="checkbox"/> Part _____ is incomplete       |
| <input type="checkbox"/> Additional signature(s) required          |   |

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ **RECEIVED BY OWRD**

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## Part 2 of 5 – Transfer Application Map Checklist

**Your transfer application will be returned if any of the map requirements listed below are not met.**

**Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.**

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- 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 good quality paper. ✓
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is 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) are required. Tax lot numbers are recommended. ✓
- 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. ✓

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- 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 Proposed 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.
- Existing 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 or permit. ✓
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed 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°). ✓



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**Applicant Information**

APPLICANT/BUSINESS NAME <b>William and Denise Blackwell</b>		PHONE NO. <b>541-991-2517</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>130 North River Dr.</b>			FAX NO.
CITY <b>Roseburg</b>	STATE <b>OR</b>	ZIP <b>97470</b>	E-MAIL <b>blackwell.wb@gmail.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

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

AGENT/BUSINESS NAME <b>Nathan R. Reed</b>		PHONE NO. <b>541-784-7191</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>1113 SE Cass Ave</b>			FAX NO.
CITY <b>Roseburg</b>	STATE <b>OR</b>	ZIP <b>97470</b>	E-MAIL <b>nreed68@hotmail.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

Explain in your own words what you propose to accomplish with this transfer application, and why: Applicant is requesting for two APODs for two individual properties (Tax lots 1900 and 2000) located upstream of the authorized POD located in T26S, R5W, Section 30, NWNE, WM within DLC 47 of certificate 86120 for the portion of water that land is allowed that is located within the POU of 86120.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

**Check One Box**

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.


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I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: News Review.

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

	<u>William B Blackwell, Jr</u> Applicant signature	<u>William B. Blackwell, Jr</u> Print Name (and Title if applicable)	<u>8-27-15</u> Date
	<u>Denise M Blackwell</u> Applicant signature	<u>Denise M. Blackwell</u> Print Name (and Title if applicable)	<u>8-27-15</u> Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer 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. For more information see: <http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME <b>Steven &amp; Rebecca Blum</b>			PHONE NO. <b>541-430-0959</b>	ADDITIONAL CONTACT NO. <b>541-430-0989</b>
ADDRESS <b>110 North River Drive</b>				FAX NO. <b>NA</b>
CITY <b>Roseburg</b>	STATE <b>OR</b>	ZIP <b>97470</b>	E-MAIL <b>blumsteven1@gmail.com</b>	

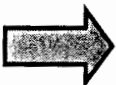
Describe any special ownership circumstances here: \_\_\_\_\_

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (**Tip:** Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- 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 county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Douglas County</b>	ADDRESS <b>1036 SE Douglas Ave</b>	
CITY <b>Roseburg</b>	STATE <b>OR</b>	ZIP <b>97470</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

### Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;  
**OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;  
**OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

### Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

### Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the “**Allow only this type of editing** in the document: **Filling in forms**” in the “Editing restrictions” section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

### Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

**Part 5 of 5 – Water Right Information**  
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Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 86120

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**Description of Water Delivery System**

MAR 18 2016

System capacity: 2.958 cubic feet per second (cfs) OR  
 \_\_\_\_\_ gallons per minute (gpm)

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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. **Each property (tax lot 1900 and 2000) have 2.0 hp centrifugal pumps delivering water through buried 1-1/4" PVC lines to zone operated in-ground Rainbird sprinkler systems.**

**Table 1. Location of Authorized and Proposed 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 Proposed?	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)
POD 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		26 S	6 W	24	SE* SE* NW NE	44	2600' SOUTH & 550' WEST FROM W1/4 CORNER, SECTION 19
POD 2	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		26 S	5 W	30	NW* NE* SE SE	47	2940' SOUTH & 3360' EAST FROM W1/4 CORNER, SECTION 19
POD 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		26 S	5 W	30	NW NE	TL 1900* 47	3106' SOUTH & 3692' EAST FROM W1/4 CORNER, SECTION 19
POD 4	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		26 S	5 W	30	NW NE	TL 2000* 47	3146' SOUTH & 3949' EAST FROM W1/4 CORNER, SECTION 19

\* CORRECTIONS NLR 02-29-2016

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

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD) *Use 229-16*
- Surface Water POD to Ground Water POA (SW/GW)
- Supplemental Use to Primary Use (S to P)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Substitution (SUB)
- Government Action POD (GOV)

**Will all of the proposed changes affect the entire water right?**

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.



**For Place of Use or Character of Use Changes**

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?  Yes  No

If YES, list the certificate, water use permit, or ground water registration numbers: \_\_\_\_\_.



Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution** (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # \_\_\_\_\_;  
Surface water primary Certificate # \_\_\_\_\_.

**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # \_\_\_\_\_

**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 proposed 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://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

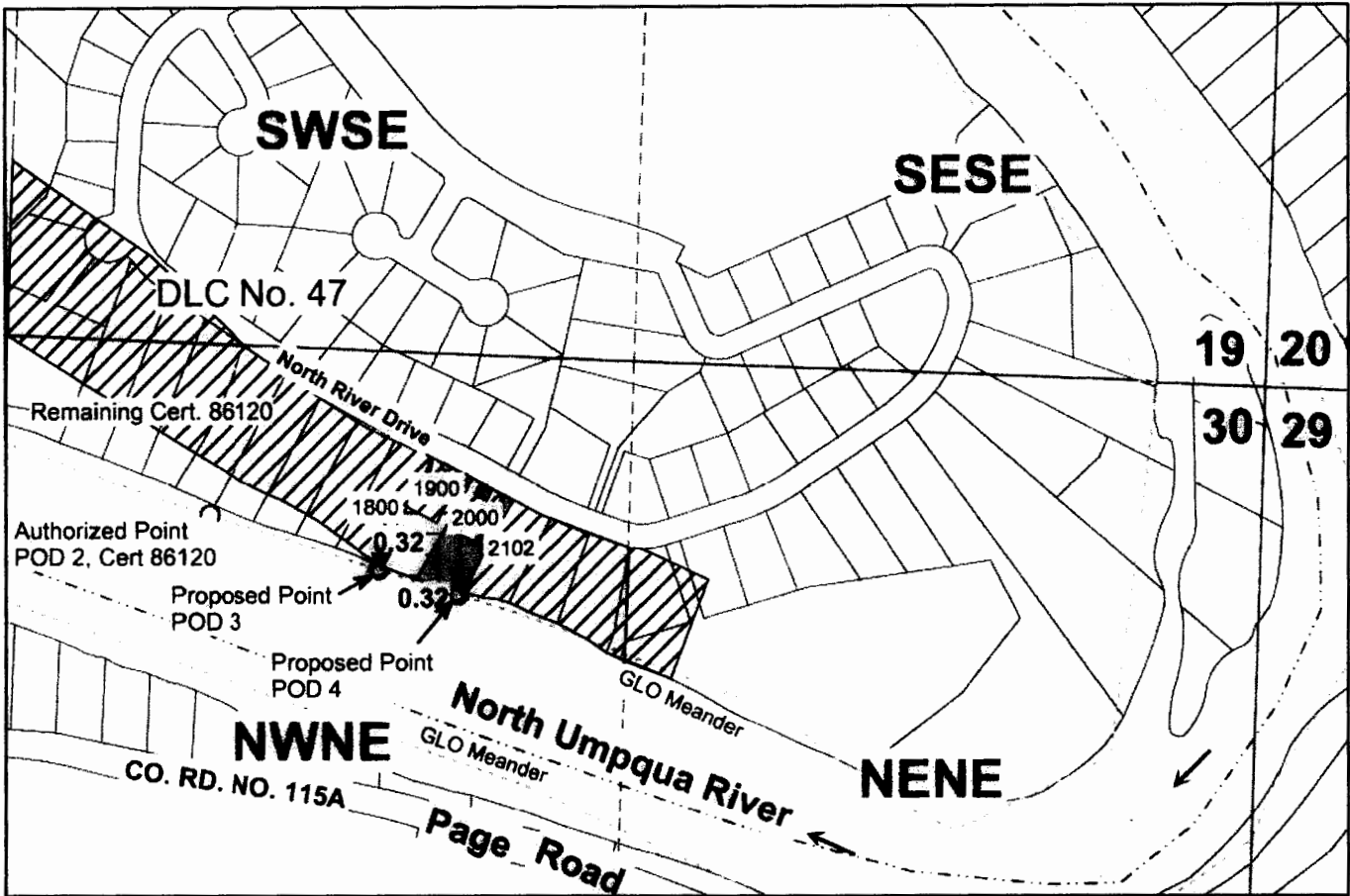
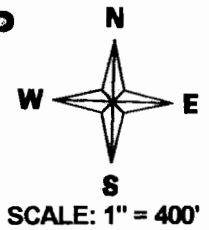
Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	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, basal, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right

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# AMENDED TRANSFER APPLICATION MAP

FOR: WILLIAM & DENISE BLACKWELL  
 BY: NATHAN R. REED, CWRE  
 T26S, R5W, W.M. SECTION 30, DLC 47  
 PERMIT NO. 19661  
 CERTIFICATE NO. 86120



AUTHORIZED POD 2: NWNE, SECTION 30, T26S, R5W, W.M.; 2940 FEET SOUTH AND 3360 FEET EAST OF W1/4 CORNER OF SECTION 19.  
 PROPOSED POD 3: NWNE, SECTION 30, T26S, R5W, W.M.; 3106 FEET SOUTH AND 3692 FEET EAST OF W1/4 CORNER OF SECTION 19.  
 PROPOSED POD 4: NWNE, SECTION 30, T26S, R5W, W.M.; 3146 FEET SOUTH AND 3949 FEET EAST OF W1/4 CORNER OF SECTION 19.

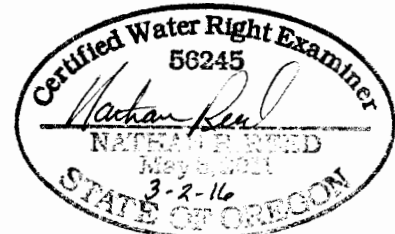
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Legend	
▼	PUMP
○	POD
→	Flow_arrow
▭ (white)	Township
▭ (white)	Section
-----	Sixteenth
▭ (white)	Parcels
▭ (hatched)	Remaining Cert. 86120
▭ (white)	Tax Lot 1900, 0.32 Ac
▭ (hatched)	Tax Lot 2000, 0.32 Ac
— — — — —	Meander

MAR 18 2016

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MAP PREPARED FOR:  
 WILLIAM & DENISE BLACKWELL  
 130 NORTH RIVER DRIVE  
 ROSEBURG, OR 97470



Expires Dec. 31, 2016

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

MAP PREPARED BY:  
 NATHAN R. REED, P.E., CWRE  
 1113 SE CASS AV  
 ROSEBURG, OR 97470

STATE OF OREGON  
 COUNTY OF DOUGLAS  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ELTON V. JACKSON  
 PO BOX 36  
 WINCHESTER OR 97467

confirms the right to use the waters of the NORTH UMPQUA RIVER, a tributary to the UMPQUA RIVER for IRRIGATION of 239.1 ACRES.

This right was perfected under Permit S-19661. The date of priority is MAY 10, 1950. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.958 CUBIC FEET 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	DLC	Measured Distances
26 S	5 W	WM	30	NW NE	47	2940 FEET SOUTH AND 3360 FEET EAST FROM THE W1/4 CORNER OF SECTION 19
26 S	6 W	WM	24	SE SE	44	2600 FEET SOUTH AND 550 FEET WEST FROM W1/4 CORNER, SECTION 19

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, subject to the terms and conditions of that agreement between Elton V. Jackson and the California Oregon Power Company dated September 1, 1950. 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
26 S	5 W	WM	18	NE SW		46	29.60
26 S	5 W	WM	18	NW SW		46	27.00
26 S	5 W	WM	18	SW SW		46	46.80
26 S	5 W	WM	18	SE SW		46	14.00
26 S	5 W	WM	19	NW NW		37	11.10
26 S	5 W	WM	19	SW NW		37	7.20
26 S	5 W	WM	19	SW SW		47	1.88
26 S	5 W	WM	19	SW SW		37	1.22
26 S	5 W	WM	19	SE SW		47	4.60
26 S	5 W	WM	19	SW SE		47	2.70
26 S	5 W	WM	30	NE NE		47	0.80
26 S	5 W	WM	30	NW NE		47	5.20
26 S	6 W	WM	13	SE SW		52	12.40
26 S	6 W	WM	24	NE NE		44	21.00
26 S	6 W	WM	24	SW NE	5	44	0.90

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
26 S	6 W	WM	24	SE NE		44	30.90
26 S	6 W	WM	24	NE SE		44	0.10
26 S	6 W	WM	24	NE SE	7	44	9.90
26 S	6 W	WM	24	NW SE		44	3.80
26 S	6 W	WM	24	NW SE	6	44	2.10
26 S	6 W	WM	24	SW SE		44	3.80
26 S	6 W	WM	24	SE SE		44	2.10

This certificate is issued to correct a scrivener's error in the legal description of a point of diversion described in Certificate 85981. This Certificate supersedes Certificate 85981, and describes the portion of water right Certificate 83265 NOT modified by the provision of an order of the Water Resources Director entered December 30, 2009, and recorded at Volume 79, Page 1292, approving Transfer Application T-10685.

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 March 12, 2010

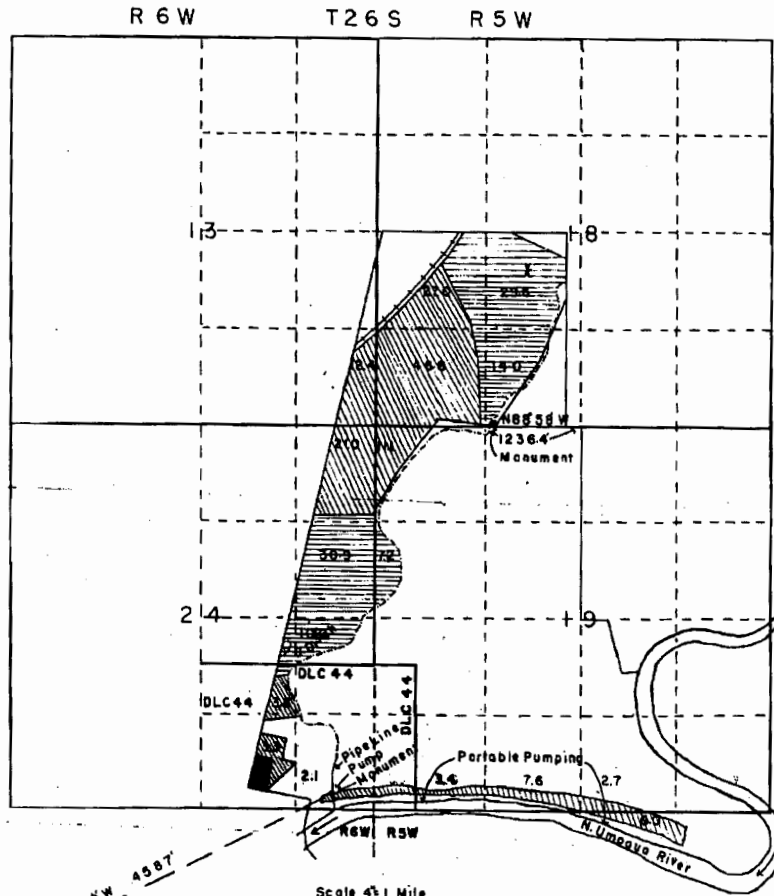
  
 For Phillip C. Ward, Director

I, C. W. KLINE of Fairview Route  
 Coquille Ore. Do hereby  
 certify that this map was made  
 from notes taken during an  
 actual survey made under my  
 immediate supervision during  
 Nov. 20 to 28 1949 that the monu-  
 ment shown on this map consist-  
 ing of a 2" by 36" pipe which  
 bears S 64° 10' W 4587' to the  
 SW corner of the Thomas Smith  
 DLC 44

*C. W. Kline*

Registration Number 1335

-  1950
-  1951
-  Excluded



Application No. 24695  
 Permit No. 19661

**RECEIVED**  
 JUL 17 1950  
 STATE ENGINEER  
 SALEM, OREGON

**RECEIVED**  
 MAY 10 1950  
 STATE ENGINEER  
 SALEM, OREGON





# Oregon

Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

April 15, 2016

WILLIAM AND DENISE BLACKWELL  
130 NORTH RIVER DR  
ROSEBURG OR 97470  
blackwell.wb@gmail.com

SUBJECT: Transfer Application T-12159

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department has concluded that approval of the additional point of diversion proposed in T-12159 would result in injury to instream water rights Certificates 59939 and 81500. Consistent with your request that we seek a recommendation from the Oregon Department of Fish and Wildlife (ODFW) that we seek consent to the injury to the instream water right, we are proceeding with that process concurrently with issuance of the preliminary determination.

The Water Resources Department holds instream water rights in trust for the benefit of the people of Oregon. Under ORS 540.530(c), we may approve the transfer only if the agency that requested the instream water right concludes that the change proposed will result in net benefits to the resources protected by the instream water right, and recommends that we consent to the injury of the right. Please contact the agency staff person to whom the agency review letter has been sent, to discuss whether you may be able to assist in providing information needed for the analysis.

After we have received a recommendation from the ODFW on whether to consent to the injury, provided no protests have been filed, we will issue an order either:

- Approving the transfer with conditions, if any, identified in the agency recommendations as necessary to ensure that the change will result in net benefits, or
- Reaffirming our decision that the instream water right would be injured and denying the transfer.

The timing for issuance of the order will depend on the availability of information needed by ODFW to perform the net benefits analysis upon which their recommendation must be based, and the time necessary to allow public review and comment on the recommendation. You are not authorized to use water from the proposed points of diversion pending a final decision by the Department on your transfer application.

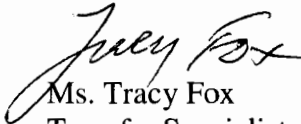
A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination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

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 will 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 Tracy.L.Fox@wrд.state.or.us or 503-986-0827 if I may be of assistance.

Sincerely,



Ms. Tracy Fox  
Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application T-12159  
David Williams, District 15 Watermaster (*via email*)  
Larry Menteer, Southwest Region Manager (*via email*)  
Nathan Reed, Agent for the applicants and CWRE (*via email*)  
Steven and Rebecca Blum, Receiving Landowners (*via email*)  
Ed Bowles, ODFW (*via email*)  
Rich Kilbane, ODFW (*via email*)  
Jason Brandt, ODFW, Assistant District Fish Biologist (*via email*)

Enclosure

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12159, Douglas County	)	PROPOSING DENIAL OF A CHANGE
	)	IN POINT OF DIVERSION AND
	)	PARTIAL CANCELLATION OF A
	)	WATER RIGHT

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicants**

WILLIAM AND DENISE BLACKWELL  
130 NORTH RIVER DR  
ROSEBURG OR 97470  
blackwell.wb@gmail.com

**Findings of Fact**

1. On September 4, 2015, WILLIAM AND DENISE BLACKWELL filed an application for additional points of diversion under Certificate 86120. The Department assigned the application number T-12259.
2. Steven and Rebecca Blum are the receiving landowners who, with the applicants, will be responsible for completion of the changes.
3. Notice of the application for transfer was published on October 6, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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.

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

4. On February 29, 2016, the Department contacted the applicant's agent by telephone and email to notify them of deficiencies in the application. The main deficiencies were to clarify the type of transfer requested, missing evidence of use for the entire right, accurate location and acreage information. The Department requested that the deficiencies be resolved by March 30, 2016.
5. On March 18, 2016, the applicant's agent submitted amended application pages resolving the deficiencies. At this time the type of change was corrected from being an "additional point of diversion" to being a "change in point of diversion" and affidavits for the voluntary partial cancellation of a water right were received.
6. On March 29, 2016, the Department sent a copy of the draft Preliminary Determination proposing to deny Transfer Application T-12166 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 29, 2016, for the applicants to respond. The applicants requested that the Department seek a recommendation from the Oregon Department of Fish and Wildlife (ODFW) as to whether the Department should consent to injury of the instream water right pursuant to OAR 690-380-5030, and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

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

**Certificate:** 86120 in the name of ELTON V. JACKSON (perfected under Permit S-19661)  
**Use:** IRRIGATION of 0.64 ACRE  
**Priority Date:** MAY 10, 1950  
**Rate:** 0.008 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** 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, subject to the terms and conditions of that agreement between Elton V. Jackson and the California Oregon Power Company dated September 1, 1950.  
**Source:** NORTH UMPQUA RIVER, a tributary to the UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	5 W	WM	30	NW NE	47	2940 FEET SOUTH AND 3360 FEET EAST FROM THE W 1/4 CORNER OF SECTION 19
26 S	6 W	WM	24	SE SE	44	2600 FEET SOUTH AND 550 FEET WEST FROM THE W 1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Acre
26 S	5 W	WM	30	NW NE	47	0.64

8. Transfer Application T-12159 proposes to move the authorized point of diversion approximately 380 and 590 feet upstream, respectively, to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	5 W	WM	30	NW NE	47	3106 FEET SOUTH AND 3692 FEET EAST FROM THE W 1/4 CORNER OF SECTION 19
26 S	5 W	WM	30	NW NE	47	3146 FEET SOUTH AND 3949 FEET EAST FROM THE W 1/4 CORNER OF SECTION 19

9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

10. 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.
11. 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-12159.
12. The proposed change would not result in enlargement of the right.
13. Instream water right Certificates 59939 and 81500 exists for the reach of the river in which the authorized point of diversion would be moved upstream, and stream flows within the reach are frequently below the levels allocated under the instream water right. Thus, the instream water rights would be injured as a result of the proposed change in point of diversion.
14. Instream water right Certificates 59939 and 81500 are for flows to be maintained in the North Umpqua River from the confluence with Little River, River Mile (RM) 29.1 (NENW, Section 19, T26S, R3W) to the mouth RM 0.0 (NW, Section 32, T26S, R6W).

**Partial Cancellation of a Water Right**

15. The portion of the right to be cancelled is as follows:

**Certificate:** 86120 in the name of ELTON V. JACKSON (perfected under Permit S-19661)

**Use:** IRRIGATION of 0.37 ACRE

**Priority Date:** MAY 10, 1950

**Rate:** 0.004 CUBIC FOOT PER SECOND (CFS)

**Limit/Duty:** 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, subject to the terms and conditions of that agreement between Elton V. Jackson and the California Oregon Power Company dated September 1, 1950.

**Source:** NORTH UMPQUA RIVER, a tributary to the UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	5 W	WM	30	NW NE	47	2940 FEET SOUTH AND 3360 FEET EAST FROM THE W 1/4 CORNER OF SECTION 19
26 S	6 W	WM	24	SE SE	44	2600 FEET SOUTH AND 550 FEET WEST FROM THE W 1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	5 W	WM	30	NW NE	47	0.37

**Determination and Proposed Action**

The change in points of diversion proposed in Transfer Application T-12159 appears to be **not** 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 denied.

The proposed change in points of diversion in application T-12159 cannot be effected without injury to instream water right Certificate 59939 and 81500. Pursuant to ORS 540.530, the application will be denied unless, on the recommendation of the ODFW, the Department consents to injury of instream water right Certificates 59939 and 81500.

*If Transfer Application T-12159 is approved notwithstanding the Department's preliminary determination that the transfer will result in injury, the change and subsequent use of water shall be subject to the following conditions:*

1. *The change in points of diversion proposed in Transfer Application T-12159 is approved. The portion of the right that has been abandoned is cancelled.*
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 86120 and any related decree.*
3. *Water right Certificate 86120 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.*
4. *The quantity of water diverted at the new 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 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 meter or measuring device in good working order.*
- c. The water user 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.*
6. *Prior to diverting water, the water user shall install an approved fish screen at the new points of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*
- The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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 15 day of April, 2016.

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

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrdd.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266

STATE OF OREGON  
COUNTY OF DOUGLAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
SALEM, OREGON 97310

confirms the right to use the waters of NORTH UMPQUA RIVER, a tributary of the UMPQUA RIVER, in the UMPQUA RIVER BASIN to maintain an instream flow for the purpose of SUPPORTING AQUATIC LIFE.

The right is for flows to be maintained IN THE NORTH UMPQUA RIVER FROM ITS CONFLUENCE WITH THE LITTLE RIVER, (NW 1/4, SECTION 19, T 26 S, R 3 W, W.M.), TO ITS CONFLUENCE WITH THE UMPQUA RIVER, (NW 1/4, SECTION 32, T 26 S, R 6 W, W.M.).

The right is established under Oregon Revised Statutes 537.346.

The date of priority is MARCH 26, 1974.

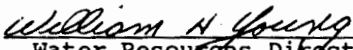
The right is limited to not more than the amounts during the time periods listed below:

<u>Period</u>	<u>Flows (cubic feet per second)</u>
OCT 1 - MAY 31	800
JUN 1 - AUG 31	600
SEP 1 - SEP 30	750

This instream water right shall not have priority over appropriations of water for human consumption, livestock consumption and irrigation of non-commercial gardens not to exceed one-half acre in area and waters legally released from storage.

The flows listed above include flows established by earlier dated instream water rights.

Witness the signature of the Water Resources Director affixed this 9th day of JUNE, 1989.

  
Water Resources Director

Recorded in State Record of Water Right Certificates number 59939.

MF334 16.N UMPQUA R.VOL2A.DIST15



STATE OF OREGON

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO:

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

The specific limits for the use are listed below along with conditions of use.

Source: NORTH UMPQUA RIVER, TRIBUTARY TO THE UMPQUA RIVER

County: Douglas

Purpose of Use:

Providing required stream flows for sea-run and resident cutthroat trout, coho salmon, spring and fall chinook salmon, summer and winter steelhead and brown and rainbow trout for migration, spawning, egg incubation, fry emergence, and juvenile rearing.

To be maintained in:

NORTH UMPQUA RIVER FROM LITTLE RIVER, RIVER MILE 29.1 (NE 1/4 NW 1/4, SECTION 19, T 26 S, R 6 W); TO MOUTH, RIVER MILE 0.0 (NW 1/4, SECTION 32, T 26 S, R 6 W)

The right is established under Oregon Revised Statutes 537.341.

The date of priority is January 10, 1981.

The following conditions apply to the use of water under this certificate:

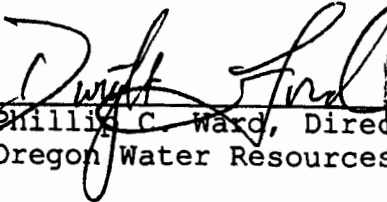
1. The right is limited to not more than the amounts, in cubic feet per second, during the time periods listed below:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1350	1350	1350	1350	1350	1350	1290	996	982	1190	1350	1350

2. The water right holder shall measure and report the in-stream flow along the reach of the stream or river described in the certificate as may be required by the standards for in-stream water right reporting of the Water Resources Commission.

3. For purposes of water distribution, this instream water right shall not have priority over human or livestock consumption.
4. The instream flow allocated pursuant to this water right is not in addition to other instream flows created by a prior water right or designated minimum perennial stream flow.
5. The flows are to be measured at the lower end of the stream reach to protect necessary flows throughout the reach.
6. For purposes of water regulation only, instream rights IS-71174 and IS-73350 shall not have priority over the following uses of water with a priority date later than 1990: a combined total between IS-71174 and IS-73350 of up to 4.0 cfs of water for human consumption, domestic, or domestic expanded uses; a combined total between IS-71174 and IS-73350 of up to 1.5 cfs of water for industrial or commercial use; and a combined total between IS-71174 and IS-73350 of up to 1.5 cfs for irrigation or agricultural use. This provision means that up to a total of 7 cfs will be available to holders of water rights that are junior to IS-71174 and IS-73350 when water is used for the purposes stated. This does not mean that each applicant may use up to 7 cfs, or that 7 cfs will be available from each instream water right.

Witness the signature of the Water Resources Director affixed this 17 day of June, 2005.

  
Phillip C. Ward, Director  
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates Number 81500

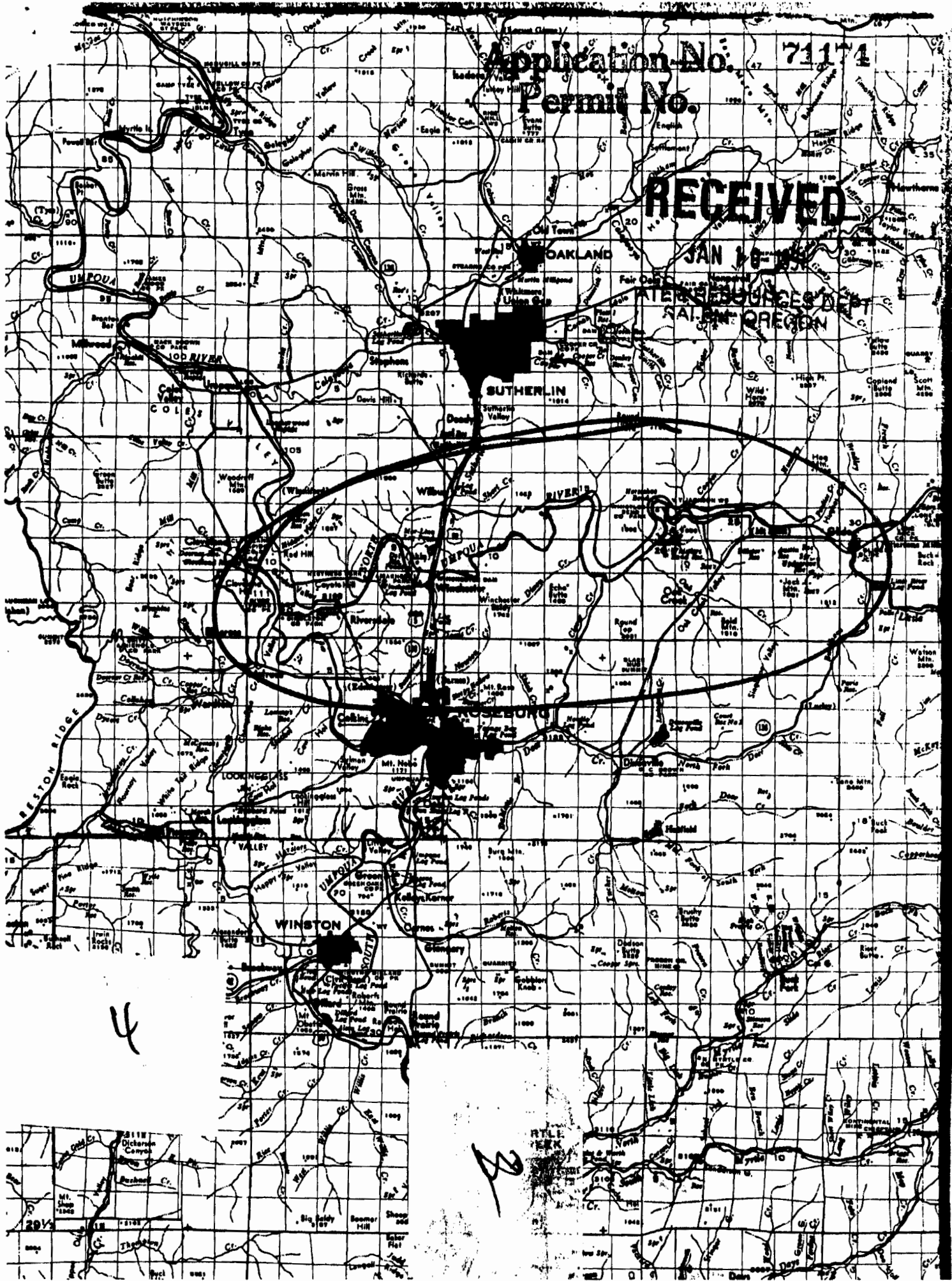
IS-71174.JWG

Application No. 71174  
Permit No.

RECEIVED

JAN 16 1959

STATE ENGINEER  
STATE OF OREGON



4

23



# Water Availability Analysis

N UMPQUA R > UMPQUA R - AT MOUTH  
UMPQUA BASIN

Water Availability as of 4/8/2016

Watershed ID #: 71174 ([Map](#))

Exceedance Level: 80%

Date: 4/8/2016

Time: 2:43 PM

[Download Data](#)

## Water Availability

Select any Watershed for Details

Nesting Order	Watershed ID #	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	368	UMPQUA R> PACIFIC OCEAN- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	73350	UMPQUA R> PACIFIC OCEAN- AB LITTLE MILL CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes
3	31630301	UMPQUA R> PACIFIC OCEAN- AB WOLF CR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	Yes	Yes
4	71174	N UMPQUA R> UMPQUA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes

## Limiting Watersheds

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Limiting Watershed ID #	Stream Name	Water Available?	Net Water Available
JAN	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	1,300.00
FEB	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	1,770.00
MAR	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	1,640.00
APR	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	1,630.00
MAY	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	1,170.00
JUN	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	107.00
JUL	71174	N UMPQUA R > UMPQUA R - AT MOUTH	No	-338.00
AUG	71174	N UMPQUA R > UMPQUA R - AT MOUTH	No	-226.00
SEP	71174	N UMPQUA R > UMPQUA R - AT MOUTH	No	-220.00
OCT	31630301	UMPQUA R > PACIFIC OCEAN - AB WOLF CR	No	-471.00
NOV	71174	N UMPQUA R > UMPQUA R - AT MOUTH	No	-116.00
DEC	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	858.00
ANN	71174	N UMPQUA R > UMPQUA R - AT MOUTH	Yes	1,210,000.00

## Detailed Reports for Watershed ID #368

**UMPQUA R > PACIFIC OCEAN - AT MOUTH  
UMPQUA BASIN**

Water Availability as of 4/8/2016

Watershed ID #: 368 ([Map](#))

Exceedance Level: 80%

Date: 4/8/2016

Time: 2:43 PM

## Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	6,790.00	250.00	6,540.00	0.00	1,000.00	5,540.00
FEB	8,470.00	257.00	8,210.00	0.00	1,000.00	7,210.00
MAR	7,680.00	76.70	7,600.00	0.00	1,000.00	6,600.00
APR	6,730.00	91.70	6,640.00	0.00	1,000.00	5,640.00
MAY	4,720.00	121.00	4,600.00	0.00	1,000.00	3,600.00
JUN	2,430.00	199.00	2,230.00	0.00	1,000.00	1,230.00
JUL	1,420.00	234.00	1,190.00	0.00	750.00	436.00
AUG	1,090.00	209.00	881.00	0.00	750.00	131.00
SEP	1,070.00	175.00	895.00	0.00	750.00	145.00
OCT	1,240.00	75.20	1,160.00	0.00	1,000.00	165.00
NOV	2,170.00	132.00	2,040.00	0.00	1,000.00	1,040.00
DEC	5,020.00	243.00	4,780.00	0.00	1,000.00	3,780.00
ANN	5,350,000.00	124,000.00	5,230,000.00	0.00	679,000.00	4,550,000.00

## Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	179.00	0.00	14.90	7.04	0.23	4.82	1.96	41.40	250.00
FEB	187.00	0.00	14.90	7.04	0.23	4.82	1.96	41.40	257.00
MAR	4.22	2.15	14.90	7.04	0.23	4.83	1.96	41.40	76.70
APR	2.87	18.80	14.60	7.04	0.23	4.82	1.96	41.40	91.70
MAY	1.66	49.30	14.60	6.66	0.23	4.79	1.96	41.40	121.00
JUN	0.52	81.50	62.10	6.66	0.23	4.76	1.79	41.40	199.00
JUL	0.07	117.00	62.10	6.66	0.23	4.74	1.79	41.30	234.00
AUG	0.02	92.40	62.10	6.57	0.23	4.72	1.77	41.30	209.00
SEP	0.02	58.00	62.10	6.57	0.23	4.73	1.95	41.30	175.00
OCT	0.01	5.83	14.60	6.57	0.23	4.74	1.95	41.30	75.20
NOV	62.70	0.01	14.60	6.66	0.23	4.75	1.95	41.30	132.00
DEC	173.00	0.00	14.60	6.74	0.23	4.81	1.96	41.40	243.00

## Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

**No reservations were found for this watershed.**

## Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF368A	CERTIFICATE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	750.00	750.00	750.00	1,000.00	1,000.00	1,000.00
<b>Maximum</b>		<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>750.00</b>	<b>750.00</b>	<b>750.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>

## Detailed Reports for Watershed ID #73350

UMPQUA R > PACIFIC OCEAN - AB LITTLE MILL CR  
UMPQUA BASIN

Water Availability as of 4/8/2016

Watershed ID #: 73350 ([Map](#))

Exceedance Level: 80%

Date: 4/8/2016

Time: 2:43 PM

## Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	5,470.00	246.00	5,220.00	0.00	1,700.00	3,520.00
FEB	7,110.00	255.00	6,850.00	0.00	1,700.00	5,150.00
MAR	6,490.00	75.30	6,410.00	0.00	1,700.00	4,710.00
APR	5,960.00	90.30	5,870.00	0.00	1,700.00	4,170.00
MAY	4,250.00	119.00	4,130.00	0.00	1,700.00	2,430.00
JUN	2,210.00	196.00	2,010.00	0.00	1,700.00	314.00
JUL	1,320.00	230.00	1,090.00	0.00	1,000.00	90.40
AUG	1,030.00	206.00	824.00	0.00	1,000.00	-176.00
SEP	1,020.00	173.00	847.00	0.00	1,000.00	-153.00
OCT	1,180.00	74.00	1,110.00	0.00	1,560.00	-454.00
NOV	1,870.00	130.00	1,740.00	0.00	1,700.00	39.70
DEC	4,120.00	245.00	3,870.00	0.00	1,700.00	2,170.00
ANN	4,480,000.00	123,000.00	4,360,000.00	0.00	1,100,000.00	3,270,000.00

## Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	177.00	0.00	14.90	6.92	0.23	3.94	1.84	41.40	246.00
FEB	186.00	0.00	14.90	6.92	0.23	3.94	1.84	41.40	255.00
MAR	3.95	2.15	14.90	6.92	0.23	3.94	1.84	41.40	75.30
APR	2.68	18.70	14.60	6.92	0.23	3.94	1.84	41.40	90.30
MAY	1.54	48.70	14.60	6.54	0.23	3.91	1.84	41.40	119.00
JUN	0.47	79.60	62.10	6.54	0.23	3.88	1.67	41.40	196.00
JUL	0.05	114.00	62.10	6.54	0.23	3.86	1.67	41.30	230.00
AUG	0.01	89.90	62.10	6.45	0.23	3.84	1.65	41.30	206.00

SEP	0.01	57.00	62.10	6.45	0.23	3.85	1.82	41.30	173.00
OCT	0.00	5.73	14.60	6.45	0.23	3.86	1.82	41.30	74.00
NOV	61.90	0.01	14.60	6.54	0.23	3.87	1.82	41.30	130.00
DEC	177.00	0.00	14.60	6.62	0.23	3.92	1.84	41.40	245.00

## Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

## Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF367A	CERTIFICATE	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00
MF368B	CERTIFICATE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	750.00	750.00	750.00	1,000.00	1,000.00	1,000.00
IS73350A	CERTIFICATE	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,000.00	1,000.00	1,000.00	1,560.00	1,700.00	1,700.00
<b>Maximum</b>		<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,560.00</b>	<b>1,700.00</b>	<b>1,700.00</b>

## Detailed Reports for Watershed ID #31630301

UMPQUA R > PACIFIC OCEAN - AB WOLF CR  
UMPQUA BASIN

Water Availability as of 4/8/2016

Watershed ID #: 31630301 ([Map](#))  
Date: 4/8/2016

Exceedance Level: 80%  
Time: 2:43 PM

## Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	4,840.00	203.00	4,640.00	0.00	1,700.00	2,940.00
FEB	6,360.00	211.00	6,150.00	0.00	1,700.00	4,450.00
MAR	5,830.00	32.60	5,800.00	0.00	1,700.00	4,100.00
APR	5,490.00	44.90	5,450.00	0.00	1,700.00	3,750.00
MAY	3,970.00	67.90	3,900.00	0.00	1,700.00	2,200.00
JUN	2,080.00	136.00	1,940.00	0.00	1,700.00	244.00
JUL	1,260.00	165.00	1,100.00	0.00	1,000.00	95.20
AUG	989.00	145.00	844.00	0.00	1,000.00	-156.00
SEP	978.00	117.00	861.00	0.00	1,000.00	-139.00
OCT	1,120.00	30.90	1,090.00	0.00	1,560.00	-471.00
NOV	1,740.00	90.50	1,650.00	0.00	1,700.00	-50.50
DEC	3,870.00	201.00	3,470.00	0.00	1,700.00	1,770.00
ANN	4,010,000.00	86,900.00	3,920,000.00	0.00	1,100,000.00	2,830,000.00

## Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	176.00	0.00	13.90	6.66	0.23	3.67	1.37	1.39	203.00
FEB	184.00	0.00	13.90	6.66	0.23	3.67	1.37	1.39	211.00
MAR	3.66	1.76	13.90	6.66	0.23	3.67	1.37	1.39	32.60
APR	2.54	15.50	13.60	6.66	0.23	3.67	1.37	1.39	44.90
MAY	1.48	39.90	13.50	6.28	0.23	3.65	1.37	1.39	67.90
JUN	0.46	65.40	57.80	6.28	0.23	3.62	1.37	1.39	136.00
JUL	0.05	94.10	57.80	6.28	0.23	3.60	1.37	1.34	165.00
AUG	0.01	74.30	57.80	6.19	0.23	3.58	1.36	1.34	145.00
SEP	0.01	46.60	57.80	6.19	0.23	3.58	1.36	1.34	117.00
OCT	0.00	4.68	13.50	6.19	0.23	3.60	1.36	1.34	30.90
NOV	64.10	0.01	13.50	6.28	0.23	3.61	1.36	1.34	90.50
DEC	175.00	0.00	13.50	6.36	0.23	3.65	1.37	1.39	201.00

## Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

## Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF368C	CERTIFICATE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	750.00	750.00	750.00	1,000.00	1,000.00	1,000.00
IS73350B	CERTIFICATE	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,000.00	1,000.00	1,000.00	1,560.00	1,700.00	1,700.00
<b>Maximum</b>		<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,700.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,560.00</b>	<b>1,700.00</b>	<b>1,700.00</b>

## Detailed Reports for Watershed ID #71174

N UMPQUA R > UMPQUA R - AT MOUTH  
 UMPQUA BASIN

Water Availability as of 4/8/2016

Watershed ID #: 71174 ([Map](#))

Date: 4/8/2016

Exceedance Level: 80%

Time: 2:43 PM

## Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second  
 Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
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JAN	2,710.00	61.40	2,650.00	0.00	1,350.00	1,300.00
FEB	3,180.00	62.00	3,120.00	0.00	1,350.00	1,770.00
MAR	3,040.00	51.30	2,990.00	0.00	1,350.00	1,640.00
APR	3,030.00	53.60	2,980.00	0.00	1,350.00	1,630.00
MAY	2,580.00	57.80	2,520.00	0.00	1,350.00	1,170.00
JUN	1,520.00	63.10	1,460.00	0.00	1,350.00	107.00
JUL	1,020.00	68.10	952.00	0.00	1,290.00	-338.00
AUG	835.00	64.70	770.00	0.00	996.00	-226.00
SEP	822.00	59.70	762.00	0.00	982.00	-220.00
OCT	922.00	51.30	871.00	0.00	1,190.00	-319.00
NOV	1,290.00	55.80	1,230.00	0.00	1,350.00	-116.00
DEC	2,270.00	61.50	2,210.00	0.00	1,350.00	858.00
ANN	2,160,000.00	42,900.00	2,110,000.00	0.00	921,000.00	1,210,000.00

### Detailed Report of Consumptive Uses and Storage

Consumptive Uses and Storages in Cubic Feet per Second

Month	Storage	Irrigation	Municipal	Industrial	Commercial	Domestic	Agricultural	Other	Total
JAN	10.90	0.00	47.40	1.01	0.22	1.58	0.19	0.05	61.40
FEB	11.50	0.00	47.40	1.01	0.22	1.58	0.19	0.05	62.00
MAR	0.48	0.31	47.40	1.01	0.22	1.58	0.19	0.05	51.30
APR	0.49	2.63	47.40	1.01	0.22	1.58	0.19	0.05	53.60
MAY	0.33	7.00	47.40	1.01	0.22	1.57	0.19	0.05	57.80
JUN	0.09	11.50	48.50	1.01	0.22	1.56	0.19	0.05	63.10
JUL	0.00	16.60	48.50	1.01	0.22	1.55	0.19	0.00	68.10
AUG	0.00	13.20	48.50	1.01	0.22	1.55	0.19	0.00	64.70
SEP	0.00	8.24	48.50	1.01	0.22	1.55	0.19	0.00	59.70
OCT	0.00	0.84	47.40	1.01	0.22	1.56	0.19	0.00	51.30
NOV	5.38	0.00	47.40	1.01	0.22	1.56	0.19	0.00	55.80
DEC	11.10	0.00	47.40	1.01	0.22	1.57	0.19	0.05	61.50

### Detailed Report of Reservations for Storage and Consumptive Uses

Reserved Streamflow in Cubic Feet per Second

No reservations were found for this watershed.

### Detailed Report of Instream Flow Requirements

Instream Flow Requirements in Cubic Feet per Second

Application #	Status	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MF333A	CERTIFICATE	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00
MF334A	CERTIFICATE	800.00	800.00	800.00	800.00	800.00	600.00	600.00	600.00	750.00	800.00	800.00	800.00
IS71174A	CERTIFICATE	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,350.00	1,290.00	996.00	982.00	1,190.00	1,350.00	1,350.00
<b>Maximum</b>		<b>1,350.00</b>	<b>1,350.00</b>	<b>1,350.00</b>	<b>1,350.00</b>	<b>1,350.00</b>	<b>1,350.00</b>	<b>1,290.00</b>	<b>996.00</b>	<b>982.00</b>	<b>1,190.00</b>	<b>1,350.00</b>	<b>1,350.00</b>



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-12159

Review Due Date: 10-10-2015

Applicant Name: William & Denise Blackwell

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): David S. Williams

Date of Review: Nov. 9, 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: \_\_\_\_\_
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: \_\_\_\_\_
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
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: This transfer application is requesting two additional POD's upstream from the authorized POD. Because the right subject to transfer is senior to the instream water right reach (Certificate 59800, 59939) the transfer would be injurious to the ISWR. The acreages listed in Table 2 correspond with the tax lot acres, however the aerial photo shows that structures occupy up to half of the two parcels. The ¼¼'s for POD 1 & 2 in Table 1 should be interchanged. The ¼¼ for the "to" lands in Table 2 should be listed as the NWNE.
12. What alternatives may be available for addressing any issues identified above: The applicant will need to obtain consent to injury from ODFW before OWRD can approve the transfer. Request that the CWRE clarify the number of actual water right acres on each tax lot.
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

Parshall Flume

Other: \_\_\_\_\_

Submerged Orifice

Flow Restrictor

**Oregon Water Resources Department**

**Measurement Condition Information for the Applicant**

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

Transfer #: T- \_\_\_\_\_

In order to avoid enlargement of the right or injury to other rights, a \_\_\_\_\_ 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: \_\_\_\_\_

District: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

*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.*

\*\*\*\*\*

**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

**Oregon Department of Fish and Wildlife**  
**Water Right and Diversion Transfer Comment Form**  
*(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)*

Reference Transfer #: T-12159

Date of review: 12/2/15

**A. Please check box if you believe there is a potential for injury to an instream water right.**

The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on the North Umpqua River [stream], tributary to the Umpqua River, because the two proposed APODs would be located upstream of the current authorized PODs (Certificate #86120) which may cause potential injury to existing instream water rights (Certificate #59939 and #81500) that are essential for maintaining adequate flow to support fish and other aquatic organisms. We are currently working with the landowner/applicant on a mitigation plan that will hopefully off-set possible negative impacts associated with the proposed APODs.

(Please attach any available supporting information.)

**Note:** This will prompt WRD to make a determination whether the transfer will injure an instream water right. (OWRD makes the determination of injury to a water right, while ODFW's role is to raise concerns, and to evaluate proposed mitigation and net benefit to the resource if OWRD consents to injury of an instream water right.)

**B. Please check one of the following five boxes related to fish screen requirements pursuant to ORS 540.525 or 540.532:**

**1. Screen Maintain**

*[Select this option if the new Point of Diversion (POD) requires a fish screen and is currently equipped with an appropriate fish screen that will still be in compliance if the transferred water is diverted from this POD.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

**Condition:** The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

*Please return all 3 pages to: Transfers Section, Water Resources Department,  
725 Summer St. NE, Suite A, Salem, OR 97301-1266*

**2. Screen Now**

*[Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.]*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

**Condition:** Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**3. Screen 2 Year**

*[Option 3 may be checked if the change is from an unscreened diversion to a HISTORIC POD or an existing POD in use for another water right, and cost-share funds are not currently available. It should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. Please provide contact information on the "Fish Screening and Passage Information" sheet.] If extraordinary circumstances are present, please explain: \_\_\_\_\_*

**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost-share funds become available to assist in the construction of a fish screen. If cost-share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost-share funding.

**Condition:** By October 1, 20\_\_ [Within two years after the date of this order] the water user shall install an approved fish screen at the new point of diversion. The water user may withdraw water at the new point of diversion without a screen until October 1, 20\_\_. The water user shall provide to OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.

The water user shall maintain and operate the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**4. Screen Future**

*[Use this option if fish are not currently present, but might possibly be at some future time.]*

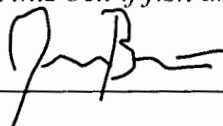
**Note:** This option will yield the following:

**Finding of Fact:** The Oregon Department of Fish and Wildlife has determined that the diversion is not currently equipped with an appropriate fish screen, but a fish screen may be required in the future at the new point of diversion to prevent fish from entering the diversion.

**Condition:** The Oregon Department of Fish and Wildlife (ODFW) may require the water user to install an approved fish screen at the new point of diversion within one year after receiving written notification that a fish screen is required. Once installed the water user shall maintain and operate the fish screen at the new point of diversion according to ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

**5. No Screen Needed**

*[Check this box if fish are not currently present, and are not expected in the future.]*

\_\_\_\_\_  
Signature 

\_\_\_\_\_  
Phone (541) 440-3353 x226

Jason Brandt  
Printed Name

Assistant District Fish Biologist  
Title



**Oregon Department of Fish and Wildlife**  
**Additional Fish Screening and Passage Information for the Applicant**  
*(To be completed by ODFW for WRD to provide to the applicant.)*

Transfer #: T-12159

**The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.**

- Fish screening is required as a condition of this transfer. The fish screen must meet ODFW's design, construction, operational and maintenance standards.

Pursuant to ORS 498.306, cost-share funds may be available to assist in the installation of fish screening.

The applicant should contact the ODFW staff member below to obtain additional information on the design, construction, operational, and maintenance standards for the fish screen and to obtain information about ODFW's cost-sharing program for screening. **Prior to installation, the water user must obtain written approval from ODFW that the required screen meets ODFW's criteria.**

ODFW staff name: Rich Kilbane

Address: 1495 E Gregory Rd

City/State/Zip: Central Point, OR 97502

Phone: (541) 826-8774

- This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff member below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

ODFW staff name: Jason Brandt

Address: 4192 N Umpqua Hwy

City/State/Zip: Roseburg, OR 97470

Phone: (541) 440-3353 x226