

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent in case of rotation.

Source: SEEPAGE AND WASTE WATER FROM ADJOINING LANDS, AND SPRINGS CAUSED THEREBY, tributary to the NORTH POWDER RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Name
7 S	38 E	WM	11	SE SE	POD #3
7 S	38 E	WM	14	NW NE	POD #2
7 S	38 E	WM	14	SW NW	POD #1

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	11	NE SE	24.5
7 S	38 E	WM	12	NE SW	40.0
7 S	38 E	WM	12	NW SW	36.5
Total					101.0

6. Transfer Application T-12665 proposes to move the authorized points of diversion approximately 5700 feet from POD #1, 3700 feet from POD #2 and 2800 feet from POD #3 downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	11	NE SW	POD #4 - 1389 FEET NORTH AND 3944 FEET WEST FROM THE SE CORNER OF SECTION 12

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

Certificate: 74460 in the name of BARKER RANCHES (perfected under Permit S-19907)

Use: IRRIGATION of 8.4 ACRES AND SUPPLEMENTAL IRRIGATION of 99.5 ACRES

Priority Date: JUNE 21, 1950

Rate: 0.58 CUBIC FEET PER SECOND

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 ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year AND SHALL BE FURTHER LIMITED OT A DIVERSION OF NOT OT EXCEED 2.5 CFS.

Source: UNNAMED STREAM, tributary of NORTH POWDER RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Name
7 S	38 E	WM	11	SE SE	POD #3
7 S	38 E	WM	14	NW NE	POD #2
7 S	38 E	WM	14	SE NW	POD #1

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	11	NE SE	5.5
7 S	38 E	WM	12	NW SW	2.9
Total					8.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	11	NE SE	24.5
7 S	38 E	WM	12	NE SW	38.5
7 S	38 E	WM	12	NW SW	36.5
Total					99.5

8. Transfer Application T-12665 proposes to move the authorized points of diversion approximately 5700 feet from POD #1, 3700 feet from POD #2 and 2800 feet from POD #3 downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	11	NE SW	POD #4 – 1389 FEET NORTH AND 3944 FEET WEST FROM THE SE CORNER OF SECTION 12

9. The Oregon Department of Fish and Wildlife has determined that a fish screen is not needed at the new point of diversion.

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 rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch 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-12665.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Determination and Proposed Action

The change in point of diversion proposed in Transfer Application T-12665 appears 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-12665 is approved, the final order will include the following:

1. *The change in point of diversion proposed in Transfer Application T-12665 is 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 Certificates 7673 and 74460 and any related decree.*
3. *Water right Certificates 7673 and 74460 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a measuring device, at each new point of diversion and at the location in the SESE of Section 11, Township 7 S, Range 38 East, W.M., as designated by the Watermaster.*
 - b. *The water user shall maintain the measuring device in good working order.*
 - c. *The water user shall allow the Watermaster access to the measuring device; provided however, where measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.*
7. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon, FEB 14 2018.



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

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

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>