

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

Certificate: 77326 in the name of JUNIPER FLAT DISTRICT IMPROVEMENT CO. (confirmed by White River Decree)
Use: IRRIGATION of 0.5 ACRES
Priority Date: JULY 1, 1903 for direct live flow from Clear Creek and Frog Creek, and AUGUST 19, 1904 for storage from Clear Lake Reservoir
Limit/Duty: ONE ACRE-FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1ST OF EACH YEAR AND NOT TO EXCEED 3.0 ACRE-FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, that the RATE OF FLOW SHALL NOT EXCEED ONE-FORTIETH OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1ST OF EACH YEAR AND THEREAFTER NOT TO EXCEED ONE-EIGHTIETH OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION.
Source: DIRECT FLOW FROM CLEAR CREEK and FROG CREEK, and STORAGE from CLEAR LAKE RESERVOIR, tributaries of WHITE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Source of Water
4 S	9 E	WM	32	SE SE	CLEAR LAKE RESERVOIR DAM
4 S	9 E	WM	34	NE NE	FROG CREEK
5 S	9 E	WM	10	NW SE	CLEAR CREEK

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	12 E	WM	13	NE SW	0.5

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

Certificate: 77733 in the name of JUNIPER FLAT DISTRICT IMPROVEMENT CO. (perfected under Permit 25275)
Use: SUPPLEMENTAL IRRIGATION of 0.5 ACRES
Priority Date: NOVEMBER 11, 1915
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 4.2 ACRE-FEET FOR EACH ACRE IRRIGATED OR ACRE EQUIVALENT DURING THE IRRIGATION SEASON OF EACH YEAR.
Source: CLEAR LAKE RESERVOIR (constructed under Permit R-2106), a tributary of WHITE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 S	9 E	WM	32	SE SE	1390 FEET SOUTH AND 480 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 32

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	12 E	WM	13	NE SW	0.5

7. Transfer Application T-13058 proposes to change the places of use to:

Primary Irrigation (IR) / Supplemental Irrigation (IS)						
Twp	Rng	Mer	Sec	Q - Q	Certificate (acres)	
					77326 (IR)	77733 (IS)
5 S	12 E	WM	13	NW SW	0.5	0.5

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

8. Water has been used within the five-year period prior to submittal of the transfer application 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.
9. 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-13058.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Determination and Proposed Action


The change in place of use proposed in Transfer Application T-13058 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-13058 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-13058 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 77326 and 77733 and any related decree.*
3. *The former place of use of the transferred rights shall no longer receive water under the rights.*
4. *Water right Certificates 77326 and 77733 are modified. The Department will issue superseding Certificates describing the rights when it is determined that it is necessary for record keeping.*

5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.*

Dated at Salem, Oregon this DEC 02 2019,


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

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>



Oregon
Kate Brown, Governor

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December 2, 2019

CLAUDE AND EMILIE WILLIAMSON
80691 OLD WAPANITIA RD.
MAUPIN, OR 97037

SUBJECT: Water Right Transfer Application T-13058

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13058. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13058
Robert L. Wood, District 3 Watermaster (*via e-mail*)

encs