



Oregon
Kate Brown, Governor

Water Resources Department
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November 4, 2020

LOOKING GLASS ORGANIC FARMS
LLC PO BOX 717
JEFFERSON, OR 97352

SUBJECT: Water Right Transfer Application T-13405

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13405. 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 and in the News Review (Roseburg) newspaper, 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 last date of newspaper publication.

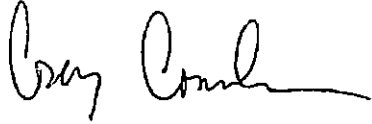
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13405
Susan M. Douthit, District 15 Watermaster *(via e-mail)*
William E. McGill, Agent for the applicant *(via e-mail)*

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13405, Douglas County)	PROPOSING APPROVAL OF AN
)	ADDITIONAL POINT OF DIVERSION

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.

Applicant

LOOKING GLASS ORGANIC FARMS LLC
PO BOX 717
JEFFERSON, OR 97352

Findings of Fact

1. On April 6, 2020, LOOKING GLASS ORGANIC FARMS LLC filed an application for an additional point of diversion (APOD) under Certificates 37907, 38691, 57718, and 93735. The Department assigned the application number T-13405.
2. Looking Glass Organic Farms LLC will be responsible for completion of the changes.
3. Notice of the application for transfer was published on April 28, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On July 24, 2020, the Department contacted the applicant's agent by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. Supplemental Form D submitted with the application, identified the confirming certificate for the changes made under Certificate 93735 would not remain in the name of the Lookingglass Olalla Water Control District. The additional point of diversion as proposed under Certificates 37907 and 57718 would involve an upstream move, causing injury to Instream Water Right Certificate 73069. The Department requested that the deficiencies be resolved by August 24, 2020.

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.
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5. On July 28, 2020, the applicant's agent submitted a revised application removing point of diversion POD 5 under Certificate 37907, and POD 4 under Certificate 57718, from the application.
6. On July 29, 2020, the agent submitted a revised Supplemental Form D, resolving the deficiencies. Lookingglass Olalla Water Control District certified that they consented to the applicant's proposed water right application and maps.
7. After proof of completion, any water right certificate issued to confirm the changes to Certificate 93735 under Transfer T-13405 is to remain in the name of the Lookingglass Olalla Water Control District. All other confirming certificates will be issued in the name of the receiving land owner.
8. On August 20, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13405 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 21, 2020, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The first right to be transferred is as follows:

Certificate: 37907 in the name of JUANITA V. FORD (perfected under Permit S-30686)

Use: IRRIGATION of 35.4 ACRES

Priority Date: JULY 29, 1965

Rate: 0.44 CUBIC FOOT 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, shall be limited to ONE-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: LOOKINGGLASS CREEK, a tributary of UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
28 S	7 W	WM	2	NW SE	40	POD 2 - 1620 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF HUNTLEY DLC 40

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
28 S	7 W	WM	1	NW SW	40	5.2
28 S	7 W	WM	2	SW NE	40	0.2
28 S	7 W	WM	2	SE NE	40	1.1
28 S	7 W	WM	2	NE SE	40	28.0
28 S	7 W	WM	2	NW SE	40	0.9
Total						35.4

10. Transfer Application T-13405 proposes an additional point of diversion approximately 349.9 feet downstream to:

Twp.	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
28 S	7 W	WM	2	NW SE	40	APOD 39A - 2630 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 2

11. The second right to be transferred is as follows:

Certificate: 38691 in the name of DONALD B. KRUSE and H. B. KRUSE (perfected under Permit S-32511)

Use: IRRIGATION of 94.8 ACRES

Priority Date: APRIL 11, 1967

Rate: 1.19 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, shall be limited to ONE-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: LOOKINGGLASS CREEK, a tributary of SOUTH UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
28 S	7 W	WM	2	NW SE	40	POD 1 - 1650 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF HUNTLEY DLC 40

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
28 S	7 W	WM	1	SW SW	40	2.8
28 S	7 W	WM	2	SE SW	40	2.2
28 S	7 W	WM	2	NE SE	40	0.5
28 S	7 W	WM	2	NW SE	40	2.4
28 S	7 W	WM	2	SW SE	40	39.5
28 S	7 W	WM	2	SE SE	40	33.6
28 S	7 W	WM	11	NE NE	40	6.1
28 S	7 W	WM	11	NW NE	40	6.1
28 S	7 W	WM	11	NE NW	40	0.3
28 S	7 W	WM	12	NW NW	40	1.3
Total						94.8

12. Transfer Application T-13405 proposes an additional point of diversion approximately 0.3 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
28 S	7 W	WM	2	NW SE	40	APOD 39A - 2630 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 2

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

Certificate: 57718 in the name of FRED SCHULZE (perfected under Permit S-25902)
Use: IRRIGATION of 21.1 ACRES
Priority Date: DECEMBER 17, 1958
Rate: 0.262 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, shall be limited to ONE-EIGHTIETH 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to the use of water is limited to the period when the flow of water in the South Umpqua River is 60.0 CFS or more at its mouth.
Source: LOOKINGGLASS CREEK, a tributary of SOUTH UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	POD
28 S	7 W	WM	2	NW SE	HUNTLEY 40	3

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
28 S	7 W	WM	2	SE NE	40	12.1
28 S	7 W	WM	2	NE SE	40	4.0
28 S	7 W	WM	2	NW SE	40	5.0
Total						21.1

14. Transfer Application T-13405 proposes an additional point of diversion approximately 1772.9 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
28 S	7 W	WM	2	NW SE	40	APOD 39A - 2630 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 2

15. The fourth right to be transferred is as follows:

Certificate: 93735 in the name of LOOKINGGLASS OLALLA WATER CONTROL DISTRICT (perfected under Permit S-46786)
Use: IRRIGATION OF 1245.4 ACRES, SUPPLEMENTAL IRRIGATION OF 658.5 ACRES, DOMESTIC USE FOR ONE FAMILY INCLUDING IRRIGATION OF NOT TO EXCEED ONE-HALF ACRE LAWN AND NONCOMMERCIAL GARDEN EACH, AND GENERAL PARK USES
Priority Date: MARCH 17, 1981
Maximum Volume: 5778.0 ACRE-FEET (AF), BEING 5770.0 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION. 4.0 AF FOR DOMESTIC USE, AND 4.0 AF FOR GENERAL PARK USES
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 a

diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: BEN IRVING RESERVOIR, CONSTRUCTED UNDER PERMIT R-7256 AND ENLARGED UNDER PERMIT R-8444, A TRIBUTARY OF BERRY CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	7 W	WM	20	SE NW	RESERVOIR (POD 2) - 930 FEET NORTH AND 2170 FEET EAST FROM THE W1/4 CORNER OF SECTION 20

Authorized Points of Re-Diversion:

POD #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	29 S	7 W	WM	18	SW SW	DOUGLAS COUNTY PARK (CARETAKER RESIDENCE) - 430 FEET NORTH AND 365 FEET EAST FROM THE SW CORNER OF SECTION 18
3	29 S	7 W	WM	20	NE SE	1830 FEET NORTH AND 470 FEET WEST FROM THE SE CORNER OF SECTION 20
3A	29 S	7 W	WM	21	SW NW	640 FEET NORTH AND 250 FEET EAST FROM THE W1/4 CORNER OF SECTION 21
4	29 S	7 W	WM	21	NW NW	890 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF SECTION 21
5	29 S	7 W	WM	21	NW NW	200 FEET SOUTH AND 970 FEET EAST FROM THE NW CORNER OF SECTION 21
6	29 S	7 W	WM	21	NW.NW	60 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 21
7	29 S	7 W	WM	17	SE NE	2550 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER OF SECTION 17
8	29 S	7 W	WM	17	SE NE	2380 FEET SOUTH AND 1040 FEET WEST FROM THE NE CORNER OF SECTION 17
9	29 S	7 W	WM	17	NW NE	1350 FEET SOUTH AND 1580 FEET WEST FROM THE NE CORNER OF SECTION 17
10	29 S	7 W	WM	17	NW NE	730 FEET SOUTH AND 2170 FEET WEST FROM THE NE CORNER OF SECTION 17
10A	29 S	7 W	WM	8	SE SW	970 FEET NORTH AND 248 FEET WEST FROM THE S1/4 CORNER OF SECTION 8
10B	29 S	7 W	WM	8	SE SW	1020 FEET NORTH AND 215 FEET WEST FROM THE S1/4 CORNER OF SECTION 8
11	29 S	7 W	WM	8	NE SW	1180 FEET SOUTH AND 230 FEET WEST FROM THE C1/4 CORNER OF SECTION 8
12	29 S	7 W	WM	8	NE SW	760 FEET SOUTH AND 370 FEET WEST FROM THE C1/4 CORNER OF SECTION 8
13	29 S	7 W	WM	8	NE SW	745 FEET SOUTH AND 360 FEET WEST FROM THE C1/4 CORNER OF SECTION 8
14	29 S	7 W	WM	8	NE SW	660 FEET SOUTH AND 340 FEET WEST FROM THE C1/4 CORNER OF SECTION 8
14A	29 S	7 W	WM	8	NE SW	630 FEET SOUTH AND 110 FEET WEST FROM THE C1/4 CORNER OF SECTION 8
15	29 S	7 W	WM	9	NW NW	990 FEET SOUTH AND 200 FEET EAST FROM THE NW CORNER OF SECTION 9

POD #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16	29 S	7 W	WM	4	NW SE	1210 FEET SOUTH AND 685 FEET EAST FROM THE C1/4 CORNER OF SECTION 4
17	29 S	7 W	WM	4	NW SE	210 FEET SOUTH AND 1440 FEET WEST FROM THE E1/4 CORNER OF SECTION 4
18	29 S	7 W	WM	4	SE NE	2090 FEET SOUTH AND 495 FEET WEST FROM THE NE CORNER OF SECTION 4
19	29 S	7 W	WM	4	SE NE	1763 FEET SOUTH AND 437 FEET WEST FROM THE NE CORNER OF SECTION 4
20	29 S	7 W	WM	4	SE NE	1400 FEET SOUTH AND 260 FEET WEST FROM THE NE CORNER OF SECTION 4
21	29 S	7 W	WM	4	NE NE	850 FEET SOUTH AND 45 FEET WEST FROM THE NE CORNER OF SECTION 4
22	29 S	7 W	WM	3	NW NW	400 FEET SOUTH AND 65 FEET EAST FROM THE NW CORNER OF SECTION 3
23	28 S	7 W	WM	34	SW SW	175 FEET NORTH AND 375 FEET EAST FROM THE SW CORNER OF SECTION 34
24	28 S	7 W	WM	34	SW SW	220 FEET NORTH AND 400 FEET EAST FROM THE SW CORNER OF SECTION 34
25	28 S	7 W	WM	34	SW NW	40 FEET NORTH AND 1170 FEET EAST FROM THE W1/4 CORNER OF SECTION 34
26	28 S	7 W	WM	34	NW NW	820 FEET SOUTH AND 667 FEET EAST FROM THE NW CORNER OF SECTION 34
27	28 S	7 W	WM	27	NW SW	725 FEET SOUTH AND 1240 FEET EAST FROM THE W1/4 CORNER OF SECTION 27
28	28 S	7 W	WM	27	NE SW	475 FEET SOUTH AND 1490 FEET EAST FROM THE W1/4 CORNER OF SECTION 27
29	28 S	7 W	WM	27	NE SW	400 FEET SOUTH AND 1665 FEET EAST FROM W1/4 CORNER, SECTION 27
30	28 S	7 W	WM	23	SW SW	1110 FEET NORTH AND 230 FEET EAST FROM SW CORNER, SECTION 23
31	28 S	7 W	WM	23	NE SW	1420 FEET NORTH AND 1760 FEET EAST FROM THE SW CORNER OF SECTION 23
32	28 S	7 W	WM	23	NE SW	1560 FEET NORTH AND 2090 FEET EAST FROM THE SW CORNER OF SECTION 23
33	28 S	7 W	WM	11	NW SW	1695 FEET NORTH AND 1170 FEET EAST FROM THE SW CORNER OF SECTION 11
34	28 S	7 W	WM	11	SW NW	1960 FEET SOUTH AND 1025 FEET EAST FROM THE NW CORNER OF SECTION 11
35	28 S	7 W	WM	11	NW NW	1165 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11
36	28 S	7 W	WM	2	SE SW	1000 FEET NORTH AND 2030 FEET EAST FROM THE SW CORNER OF SECTION 2
37	28 S	7 W	WM	2	SE SW	1110 FEET NORTH AND 2030 FEET EAST FROM THE SW CORNER OF SECTION 2
38	28 S	7 W	WM	2	SE SW	1075 FEET NORTH AND 2085 FEET EAST FROM THE SW CORNER OF SECTION 2
39	28 S	7 W	WM	2	NW SE	1330 FEET SOUTH AND 260 FEET EAST FROM THE C1/4 CORNER OF SECTION 2
40	28 S	7 W	WM	2	SW NE	490 FEET NORTH AND 1125 FEET EAST FROM THE C1/4 CORNER OF SECTION 2
41	28 S	7 W	WM	2	SE NE	2100 FEET SOUTH AND 445 FEET WEST FROM THE NE CORNER OF SECTION 2

POD #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
42	28 S	7 W	WM	2	SE NE	2115 FEET SOUTH AND 440 FEET WEST FROM THE NE CORNER OF SECTION 2
43	28 S	7 W	WM	1	NW SW	200 FEET SOUTH AND 230 FEET EAST FROM THE W1/4 CORNER OF SECTION 1
44	28 S	7 W	WM	1	NW SW	230 FEET SOUTH AND 240 FEET EAST FROM THE W1/4 CORNER OF SECTION 1
45	28 S	7 W	WM	1	NW SW	250 FEET SOUTH AND 250 FEET EAST FROM THE W1/4 CORNER OF SECTION 1
46	28 S	7 W	WM	1	SW SW	1110 FEET NORTH AND 525 FEET EAST FROM THE SW CORNER OF SECTION 1
47	28 S	7 W	WM	12	NW NW	125 FEET SOUTH AND 785 FEET EAST FROM THE NW CORNER OF SECTION 12
48	28 S	7 W	WM	12	NW NW	555 FEET SOUTH AND 765 FEET EAST FROM THE NW CORNER OF SECTION 12
49	28 S	7 W	WM	12	NW NW	945 FEET SOUTH AND 700 FEET EAST FROM THE NW CORNER OF SECTION 12
50	28 S	7 W	WM	12	SW NW	190 FEET NORTH AND 580 FEET EAST FROM THE W1/4 CORNER OF SECTION 12
51	28 S	7 W	WM	12	NE SW	540 FEET SOUTH AND 1370 FEET EAST FROM THE W1/4 CORNER OF SECTION 12
52	28 S	7 W	WM	12	NE SE	1510 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 12
53	28 S	6 W	WM	18	SW NW	220 FEET NORTH AND 1320 FEET EAST FROM THE W1/4 CORNER OF SECTION 18
54	28 S	7 W	WM	13	SE SE	330 FEET NORTH AND 120 FEET WEST FROM THE SE CORNER OF SECTION 13
55	28 S	6 W	WM	19	NE NW	1290 FEET SOUTH AND 2250 FEET EAST FROM THE NW CORNER OF SECTION 19
56	28 S	6 W	WM	19	NE NE	1210 FEET SOUTH AND 1235 FEET WEST FROM THE NE CORNER OF SECTION 19
57	28 S	6 W	WM	19	SE NE	1570 FEET SOUTH AND 880 FEET WEST FROM THE NE CORNER OF SECTION 19

Authorized Place of Use:

DOMESTIC USE AND GENERAL PARK USES				
Twp	Rng	Mer	Sec	Q-Q
29 S	7 W	WM	18	SW NW

IRRIGATION AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Primary Acres	Supplemental Acres
28 S	6 W	WM	7	SW NW	3.6	
28 S	6 W	WM	7	SE NW	1.1	
28 S	6 W	WM	7	NE SW	0.2	
28 S	6 W	WM	7	NE SW	2.9	
28 S	6 W	WM	7	NW SW	34.3	
28 S	6 W	WM	7	SW SW	7.8	0.5
28 S	6 W	WM	18	NE SW	14.2	
28 S	6 W	WM	18	NW SW	0.4	
28 S	6 W	WM	18	SW SW		3.8
28 S	6 W	WM	19	NE NE		2.1
28 S	6 W	WM	19	SE NE	0.8	3.4
28 S	6 W	WM	19	SE NE		1.4

IRRIGATION AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Primary Acres	Supplemental Acres
28 S	6 W	WM	19	NE NW		2.0
28 S	6 W	WM	20	SW NW	0.2	
28 S	7 W	WM	1	NE NE	0.6	
28 S	7 W	WM	1	NE NE	7.3	
28 S	7 W	WM	1	NW NE	2.2	
28 S	7 W	WM	1	NW NE	33.8	
28 S	7 W	WM	1	SW NE	8.0	
28 S	7 W	WM	1	SE NE	4.0	
28 S	7 W	WM	1	NE NW	17.8	
28 S	7 W	WM	1	NE NW	17.9	
28 S	7 W	WM	1	NW NW	9.9	
28 S	7 W	WM	1	NW NW	17.0	
28 S	7 W	WM	1	SW NW	17.4	1.5
28 S	7 W	WM	1	SW NW	0.6	5.6
28 S	7 W	WM	1	SW NW		6.9
28 S	7 W	WM	1	SE NW	22.1	2.8
28 S	7 W	WM	1	SE NW	5.4	
28 S	7 W	WM	1	NE SW	1.3	4.8
28 S	7 W	WM	1	NE SW	21.7	
28 S	7 W	WM	1	NW SW	3.0	3.2
28 S	7 W	WM	1	NW SW	0.7	10.5
28 S	7 W	WM	1	NW SW	1.8	0.6
28 S	7 W	WM	1	NW SW		1.4
28 S	7 W	WM	1	NW SW		5.2
28 S	7 W	WM	1	SW SW	1.0	0.4
28 S	7 W	WM	1	SW SW	12.0	6.8
28 S	7 W	WM	1	SW SW		6.0
28 S	7 W	WM	1	SW SW		2.8
28 S	7 W	WM	1	SE SW	1.4	1.2
28 S	7 W	WM	1	SE SW		17.8
28 S	7 W	WM	1	SE SW		0.8
28 S	7 W	WM	1	NE SE	10.5	
28 S	7 W	WM	1	NW SE	26.0	
28 S	7 W	WM	1	SW SE	11.1	1.2
28 S	7 W	WM	2	NE NE	3.4	
28 S	7 W	WM	2	SW NE	1.9	0.2
28 S	7 W	WM	2	SW NE		1.4
28 S	7 W	WM	2	SW NE		4.6
28 S	7 W	WM	2	SW NE		22.7
28 S	7 W	WM	2	SE NE	3.8	12.1
28 S	7 W	WM	2	SE NE		14.2
28 S	7 W	WM	2	SE NE		1.1
28 S	7 W	WM	2	NE NW	12.8	
28 S	7 W	WM	2	NE NW	1.6	
28 S	7 W	WM	2	NW NW	21.7	
28 S	7 W	WM	2	NW NW	2.6	
28 S	7 W	WM	2	SW NW	1.5	
28 S	7 W	WM	2	SE NW	10.6	9.8
28 S	7 W	WM	2	SE NW	1.2	
28 S	7 W	WM	2	NE SW	4.3	2.3
28 S	7 W	WM	2	NE SW	1.7	2.4

IRRIGATION AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Primary Acres	Supplemental Acres
28 S	7 W	WM	2	SW SW	2.6	1.6
28 S	7 W	WM	2	SW SW	0.5	1.6
28 S	7 W	WM	2	SW SW	0.3	
28 S	7 W	WM	2	SW SW	4.8	
28 S	7 W	WM	2	SE SW	16.8	2.2
28 S	7 W	WM	2	SE SW	1.4	
28 S	7 W	WM	2	SE SW	1.0	
28 S	7 W	WM	2	NE SE	6.0	28.0
28 S	7 W	WM	2	NE SE		4.0
28 S	7 W	WM	2	NE SE		0.5
28 S	7 W	WM	2	NW SE	1.3	2.4
28 S	7 W	WM	2	NW SE		5.2
28 S	7 W	WM	2	NW SE		5.2
28 S	7 W	WM	2	NW SE		0.9
28 S	7 W	WM	2	NW SE		5.0
28 S	7 W	WM	2	SW SE	0.5	39.5
28 S	7 W	WM	2	SE SE	6.4	33.6
28 S	7 W	WM	3	SE SE	0.2	
28 S	7 W	WM	10	NE NE	16.6	
28 S	7 W	WM	10	SE NE	7.4	
28 S	7 W	WM	10	SE NE	3.3	
28 S	7 W	WM	10	SE NE	6.5	
28 S	7 W	WM	10	NE SE	6.8	
28 S	7 W	WM	10	NE SE	0.4	
28 S	7 W	WM	11	NE NE	0.5	6.3
28 S	7 W	WM	11	NE NE		29.0
28 S	7 W	WM	11	NE NE		6.1
28 S	7 W	WM	11	NW NE	10.4	22.6
28 S	7 W	WM	11	NW NE		6.1
28 S	7 W	WM	11	SW NE	5.3	8.9
28 S	7 W	WM	11	SE NE	0.5	3.5
28 S	7 W	WM	11	NE NW	30.8	0.3
28 S	7 W	WM	11	NE NW	2.6	
28 S	7 W	WM	11	NW NW	12.8	
28 S	7 W	WM	11	SW NW	6.5	
28 S	7 W	WM	11	SW NW	14.1	
28 S	7 W	WM	11	SW NW	3.0	
28 S	7 W	WM	11	SE NW	5.1	
28 S	7 W	WM	11	SE NW	0.1	
28 S	7 W	WM	11	SE NW	4.2	
28 S	7 W	WM	11	NW SW	5.4	9.8
28 S	7 W	WM	11	NW SW	2.0	
28 S	7 W	WM	11	NW SW	7.2	
28 S	7 W	WM	12	NW NE	0.6	0.6
28 S	7 W	WM	12	NE NW	1.3	7.8
28 S	7 W	WM	12	NE NW	0.3	2.6
28 S	7 W	WM	12	NW NW	5.0	1.3
28 S	7 W	WM	12	NW NW	0.2	11.7
28 S	7 W	WM	12	NW NW	1.7	4.6
28 S	7 W	WM	12	SW NW	0.3	6.1
28 S	7 W	WM	12	SW NW		5.0

IRRIGATION AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Primary Acres	Supplemental Acres
28 S	7 W	WM	12	SW NW		1.7
28 S	7 W	WM	12	SE NW	0.3	
28 S	7 W	WM	12	NE SW	5.9	7.9
28 S	7 W	WM	12	NE SW	0.8	
28 S	7 W	WM	12	NE SW	0.4	
28 S	7 W	WM	12	NE SW	0.8	
28 S	7 W	WM	12	NW SW		0.9
28 S	7 W	WM	12	SE SW	0.2	5.0
28 S	7 W	WM	12	NE SE	0.9	24.2
28 S	7 W	WM	12	NE SE		0.3
28 S	7 W	WM	12	NW SE	11.3	6.5
28 S	7 W	WM	12	SW SE		10.2
28 S	7 W	WM	13	SE SE	0.4	0.9
28 S	7 W	WM	22	NE SE	0.4	
28 S	7 W	WM	22	SE SE	1.1	
28 S	7 W	WM	23	NE SW	2.9	
28 S	7 W	WM	23	NW SW	1.0	
28 S	7 W	WM	23	SW SW	0.6	
28 S	7 W	WM	23	SE SW	8.6	
28 S	7 W	WM	23	NW SE	5.4	
28 S	7 W	WM	23	SW SE	6.2	
28 S	7 W	WM	27	NE SW	0.4	
28 S	7 W	WM	27	NE SW	8.8	
28 S	7 W	WM	27	NE SW	16.1	
28 S	7 W	WM	27	NW SW	2.0	
28 S	7 W	WM	27	NW SW	0.9	
28 S	7 W	WM	27	SW SW	2.0	
28 S	7 W	WM	27	SE SW	34.7	
28 S	7 W	WM	27	NW SE	15.4	
28 S	7 W	WM	27	SW SE	1.0	
28 S	7 W	WM	33	NE NE	0.9	
28 S	7 W	WM	33	SE NE	1.6	
28 S	7 W	WM	33	NE SE	3.0	
28 S	7 W	WM	33	NE SE	1.8	
28 S	7 W	WM	33	SE SE	11.0	
28 S	7 W	WM	34	NE NW	4.4	
28 S	7 W	WM	34	NE NW	0.1	
28 S	7 W	WM	34	NW NW	8.3	1.0
28 S	7 W	WM	34	NW NW	4.0	0.6
28 S	7 W	WM	34	NW NW	1.9	
28 S	7 W	WM	34	SW NW	26.8	
28 S	7 W	WM	34	SE NW	1.7	
28 S	7 W	WM	34	NE SW	8.2	
28 S	7 W	WM	34	NE SW	5.8	
28 S	7 W	WM	34	NW SW	16.8	
28 S	7 W	WM	34	NW SW	4.0	
28 S	7 W	WM	34	NW SW	5.1	
28 S	7 W	WM	34	SW SW	12.0	13.4
28 S	7 W	WM	34	SW SW	1.5	2.2
28 S	7 W	WM	34	SE SW	3.2	0.5
28 S	7 W	WM	34	SE SW	15.9	0.1

IRRIGATION AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Primary Acres	Supplemental Acres
28 S	7 W	WM	34	SE SW	0.6	
28 S	7 W	WM	34	NE SE	16.4	
28 S	7 W	WM	34	NE SE	1.6	
28 S	7 W	WM	34	NE SE	1.0	
28 S	7 W	WM	34	NE SE	0.2	
28 S	7 W	WM	34	NW SE	13.7	
28 S	7 W	WM	34	SW SE	17.2	
28 S	7 W	WM	34	SW SE	2.6	
28 S	7 W	WM	34	SW SE	5.7	
28 S	7 W	WM	34	SE SE	13.2	
28 S	7 W	WM	34	SE SE	4.5	
28 S	7 W	WM	34	SE SE	1.3	
28 S	7 W	WM	34	SE SE	11.3	
28 S	7 W	WM	34	SE SE	1.1	
28 S	7 W	WM	35	NW SW	0.3	
28 S	7 W	WM	35	SW SW	0.4	
29 S	7 W	WM	3	NE NE	1.7	
29 S	7 W	WM	3	NE NE	3.0	
29 S	7 W	WM	3	NW NE	10.6	
29 S	7 W	WM	3	NW NW	0.4	5.0
29 S	7 W	WM	3	NW NW	1.5	4.8
29 S	7 W	WM	3	NW NW	0.1	
29 S	7 W	WM	3	NW NW	0.5	
29 S	7 W	WM	3	NW NW	0.4	
29 S	7 W	WM	3	SW NW	0.7	1.1
29 S	7 W	WM	3	SW NW	5.2	3.0
29 S	7 W	WM	3	NW SW	0.2	5.2
29 S	7 W	WM	4	NE NE	14.0	
29 S	7 W	WM	4	NE NE	0.5	
29 S	7 W	WM	4	SW NE	2.4	3.9
29 S	7 W	WM	4	SW NE		1.8
29 S	7 W	WM	4	SE NE	1.8	2.7
29 S	7 W	WM	4	SE NE	2.0	3.0
29 S	7 W	WM	4	SE NE	2.2	2.9
29 S	7 W	WM	4	SE NE	1.5	2.7
29 S	7 W	WM	4	SE NE	0.8	1.8
29 S	7 W	WM	4	SE NE	4.4	0.5
29 S	7 W	WM	4	NE SW		7.8
29 S	7 W	WM	4	SW SW	17.1	
29 S	7 W	WM	4	SE SW	0.8	12.5
29 S	7 W	WM	4	SE SW	4.5	0.6
29 S	7 W	WM	4	SE SW	2.0	
29 S	7 W	WM	4	SE SW	3.1	
29 S	7 W	WM	4	SE SW	0.3	
29 S	7 W	WM	4	NE SE	0.8	6.4
29 S	7 W	WM	4	NE SE	3.2	3.5
29 S	7 W	WM	4	NE SE	10.8	2.8
29 S	7 W	WM	4	NE SE	0.4	0.1
29 S	7 W	WM	4	NE SE		0.5
29 S	7 W	WM	4	NW SE	2.8	2.3
29 S	7 W	WM	4	NW SE	1.2	11.5

IRRIGATION AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Primary Acres	Supplemental Acres
29 S	7 W	WM	4	NW SE		0.2
29 S	7 W	WM	4	NW SE		1.8
29 S	7 W	WM	4	NW SE		1.8
29 S	7 W	WM	4	NW SE		0.8
29 S	7 W	WM	4	SW SE	2.6	9.9
29 S	7 W	WM	4	SW SE	20.8	0.6
29 S	7 W	WM	4	SE SE	0.7	
29 S	7 W	WM	4	SE SE	5.1	
29 S	7 W	WM	5	SE SE	0.9	
29 S	7 W	WM	8	NE NE	34.4	
29 S	7 W	WM	8	NW NE	6.6	
29 S	7 W	WM	8	SW NE	6.7	
29 S	7 W	WM	8	SE NE	10.8	
29 S	7 W	WM	8	NE SW	1.8	6.2
29 S	7 W	WM	8	NE SW	0.5	0.2
29 S	7 W	WM	8	NE SW	0.3	0.6
29 S	7 W	WM	8	NE SW	2.6	0.8
29 S	7 W	WM	8	NE SW		0.1
29 S	7 W	WM	8	SE SW	2.4	1.1
29 S	7 W	WM	8	SE SW	2.0	0.9
29 S	7 W	WM	8	SE SW	2.0	3.1
29 S	7 W	WM	8	SE SW		0.1
29 S	7 W	WM	8	NW SE	21.0	
29 S	7 W	WM	8	SW SE	1.4	
29 S	7 W	WM	8	SW SE	3.5	
29 S	7 W	WM	9	NW NE	0.4	
29 S	7 W	WM	9	NW NE	0.3	
29 S	7 W	WM	9	NE NW	0.1	
29 S	7 W	WM	9	NE NW	0.4	
29 S	7 W	WM	9	NE NW	2.2	
29 S	7 W	WM	9	NW NW	19.8	
29 S	7 W	WM	9	NW NW	11.2	
29 S	7 W	WM	9	SW NW	1.5	
29 S	7 W	WM	9	SW NW	0.7	
29 S	7 W	WM	16	SW NW	18.6	
29 S	7 W	WM	16	SW NW	0.1	
29 S	7 W	WM	16	SW SW	3.2	
29 S	7 W	WM	17	NE NE	1.2	
29 S	7 W	WM	17	NW NE	1.3	8.0
29 S	7 W	WM	17	NW NE		1.0
29 S	7 W	WM	17	SW NE	1.0	4.4
29 S	7 W	WM	17	SW NE	1.1	
29 S	7 W	WM	17	SE NE	5.2	15.2
29 S	7 W	WM	17	SE NE	1.4	0.7
29 S	7 W	WM	20	NE SE		4.5
29 S	7 W	WM	20	NE SE		1.3
29 S	7 W	WM	21	NW NW	0.7	4.7
29 S	7 W	WM	21	NW NW	0.6	2.2
29 S	7 W	WM	21	SW NW		1.0
				Total	1245.4	658.5

16. Transfer Application T-13405 proposes an additional point of diversion approximately 0.3 mile downstream from re-diversion POD 39 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
28 S	7 W	WM	2	NW SE	40	APOD 39A - 2630 FEET NORTH AND 1630 FEET WEST FROM THE SE CORNER OF SECTION 2

17. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

18. 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.
19. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13405.
20. The proposed changes would not result in enlargement of the rights.
21. The proposed changes would not result in injury to other water rights.
22. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion proposed in Transfer Application T-13405 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-13405 is approved, the final order will include the following:

1. *The additional point of diversion proposed in Transfer Application T-13405 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 37907, 38691, 57718, and 93735, and any related decree.*
3. *Water right Certificates 37907, 38691, 57718, and 93735 are cancelled. A new certificate will be issued describing that portion of Certificate 57718 not affected by this transfer.*
4. *The quantity of water, as authorized by the water right described under Certificate 37907, diverted at the new additional point of diversion (APOD 39A), together with that diverted at*

the original point of diversion (POD 2), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2).

5. *The quantity of water, as authorized by the water right described under Certificate 38691, diverted at the new additional point of diversion (POD 39A), together with that diverted at the original point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 1).*
6. *The quantity of water, as authorized by the water right described under Certificate 57718, diverted at the new additional point of diversion (POD 39A), together with that diverted at the original point of diversion (POD 3), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 3).*
7. *The quantity of water, as authorized by the water right described under Certificate 93735, diverted at the new additional point of diversion (POD 39A), together with that diverted at the original point of diversion (POD 2) and points of re-diversion (PODs 1, 3, 3A, 4-10, 10A, 10B, 11-14, 14A, and 15-57), shall not exceed the quantity of water lawfully available at the original point of diversion (POD 2) and points of re-diversion (PODs 1, 3, 3A, 4-10, 10A, 10B, 11-14, 14A, and 15-57).*
8. *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 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.*
9. *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

NOV 04 2020


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.

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.