

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

In the Matter of Transfer Application ) FINAL ORDER APPROVING  
T-10981, Lane County ) CHANGES IN POINT OF DIVERSION  
) AND PLACE OF USE

**Authority**

ORS 540.505 to 540.580 establishes 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SPRINGFIELD COUNTRY CLUB  
90333 SUNDERMAN RD  
SPRINGFIELD, OR 97478

**Agent**

GREG OR MALIA KUPILLAS  
PACIFIC HYDRO-GEOLOGY INC.  
18487 S VALLEY VISTA RD  
MULINO, OR 97042

**Findings of Fact**

**Background**

1. On November 23, 2009, SPRINGFIELD COUNTRY CLUB filed an application to change the point of diversion and to change the place of use under Certificates 29982 and 82065. The Department assigned the application number T-10981.
2. The first right to be transferred is as follows:
  - Certificate:** 29982 in the name of SPRINGFIELD COUNTRY CLUB INC. (perfected under Permit S-25691)
  - Use:** IRRIGATION of 29.7 ACRES
  - Priority Date:** JULY 30, 1958
  - Rate:** 0.37 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

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** MOHAWK RIVER, tributary to the MCKENZIE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	GLot	Q-Q
17 S	2 W	WM	3	1	SE NW

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
17 S	2 W	WM	3	NW NE			0.6
17 S	2 W	WM	3	NE NW		63	1.1
17 S	2 W	WM	3	NE NW	8		16.9
17 S	2 W	WM	3	SE NW		63	4.0
17 S	2 W	WM	3	SE NW	1		4.4
17 S	2 W	WM	3	NE SW		63	0.1
17 S	2 W	WM	3	NE SW	2		2.6
Total							29.7

- Certificate 29982 does not describe the exact location of the point of diversion, however information is available from the application map indicating that the point of diversion is located 495 Feet North and 175 Feet West from the NNW Corner of the B. Ramsey DLC 71, in Section 3, Township 17 South, Range 2 West, Willamette Meridian.
- Transfer Application T-10981 proposes to move the authorized point of diversion approximately 1883 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
17 S	2 W	WM	3	NE SW	71	60 FEET SOUTH AND 150 FEET WEST FROM THE SOUTHEASTERLY INTERIOR CORNER OF DLC 71

- Transfer Application T-10981 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
17 S	2 W	WM	3	NW NE	1.1	
17 S	2 W	WM	3	SW NE	1.1	
17 S	2 W	WM	3	NE NW	8.4	
17 S	2 W	WM	3	SE NW	4.5	
17 S	2 W	WM	3	NE SW	2.6	
17 S	2 W	WM	3	SE SW	3.6	
17 S	2 W	WM	3	NW SE	6.1	
17 S	2 W	WM	3	SW SE	2.3	
Total						29.7

- The second right to be transferred is as follows:

**Certificate:** 82065 in the name of SPRINGFIELD COUNTRY CLUB INC. (perfected under Permit S-47707)

**Use:** IRRIGATION of 36.4 ACRES  
**Priority Date:** SEPTEMBER 1, 1983  
**Rate:** 0.455 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** MOHAWK RIVER, tributary to the MCKENZIE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
17 S	2 W	WM	3	NE SW	71	60 FEET SOUTH AND 150 FEET WEST FROM THE SOUTHEASTERLY INTERIOR CORNER OF DLC 71

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
17 S	2 W	WM	3	NE SW	71	6.7
17 S	2 W	WM	3	SE SW	71	11.5
17 S	2 W	WM	3	NW SE	71	13.3
17 S	2 W	WM	3	SW SE	71	4.9
Total						36.4

7. Transfer Application T-10981 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	2 W	WM	3	NW NE	0.9
17 S	2 W	WM	3	SW NE	0.6
17 S	2 W	WM	3	NE NW	7.7
17 S	2 W	WM	3	SE NW	4.5
17 S	2 W	WM	3	NE SW	4.3
17 S	2 W	WM	3	SE SW	6.7
17 S	2 W	WM	3	NW SE	9.2
17 S	2 W	WM	3	SW SE	2.5
Total					36.4

8. Notice of the application for transfer was published on December 1, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On November 17, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10981 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 17, 2010 for the applicant to respond. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. On December 16, 2010, the applicant requested the draft Preliminary Determination be modified to change the instantaneous rate of diversion but not the volume limitation.

11. On January 7, 2011, the Department notified the applicant that it would not be possible to change the rate of diversion.
12. On January 11, 2011, the applicant requested the Department proceed forward with issuance of the Preliminary Determination.
13. On January 13, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-110981 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on January 18, 2011, and in The Register-Guard newspaper on January 30, and February 6 and 13, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
14. 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)]***

15. 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 rights are subject to forfeiture under ORS 540.610.
16. 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-10981.
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights.

**Conclusions of Law**

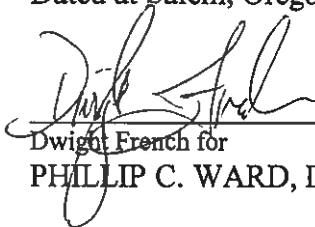
The change in point of diversion and change in place of use proposed in Transfer Application T-10981 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in point of diversion and change in place of use proposed in Transfer Application T-10981 are 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 29982 and 82065 and any related decree.

3. Water right certificates 29982 and 82065 are cancelled.
4. The quantity of water diverted at the new point 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 point of diversion.
  - b. The water user shall maintain the meter or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
7. The former place of use of the transferred rights shall no longer receive water under the rights.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. 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.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 16 day of March, 2011.

  
Dwight French for  
PHILLIP C. WARD, DIRECTOR

Mailing date: MAR 23 2011

