



Background on Existing Transfers Processes

Overview

- What is a transfer?
- Criteria for approving a transfer
- Injury
- Enlargement
- Other requirements

Water Right Transfers

Transfer - legal way to make changes to a water right

- Point of Diversion/Appropriation
- Place of Use
- Type of Use

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ROBERT DERRICK

of Lorane Route Box 572, Cottage Grove, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pass Creek

a tributary of Umpqua River for the purpose of irrigation of 3.5 acres

under Permit No. 29704 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 1, 1964

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.04 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T. 21 S., R. 4 W., W. M. Diversion point located 680 feet South and 2380 feet East from the NW Corner, Section 20.

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 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

3.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 20
T. 21 S., R. 4 W., W. M.

What cannot change?

- Source
- Rate of diversion – cannot increase
- Annual duty – limited to what could have originally been used beneficially
- Priority date
- Number of irrigated acres
- Except under Allocation of Conserved Water process
- Season of use – in most cases

Transfer Criteria

- Application is complete
- Water use subject to transfer
- Beneficial use in past 5 years or not subject to forfeiture
- No injury
- No enlargement
- Other transfer requirements

Why do these criteria exist?

- Intended to protect other existing water rights
 - Beneficial use / forfeiture
 - Injury / enlargement

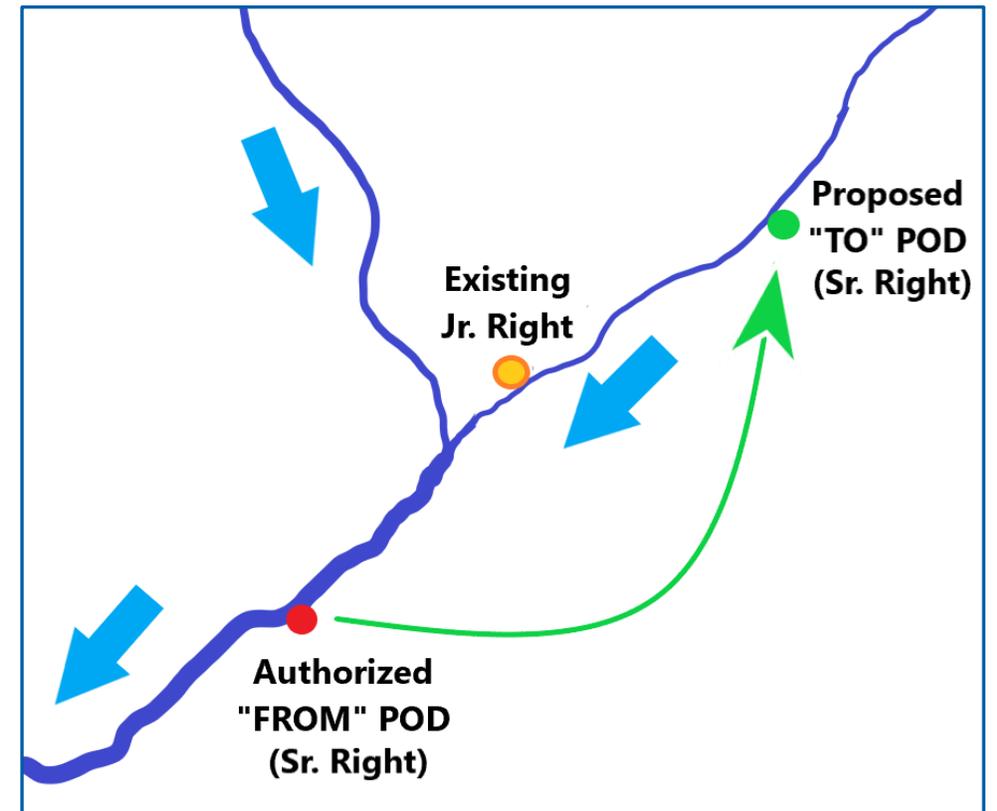
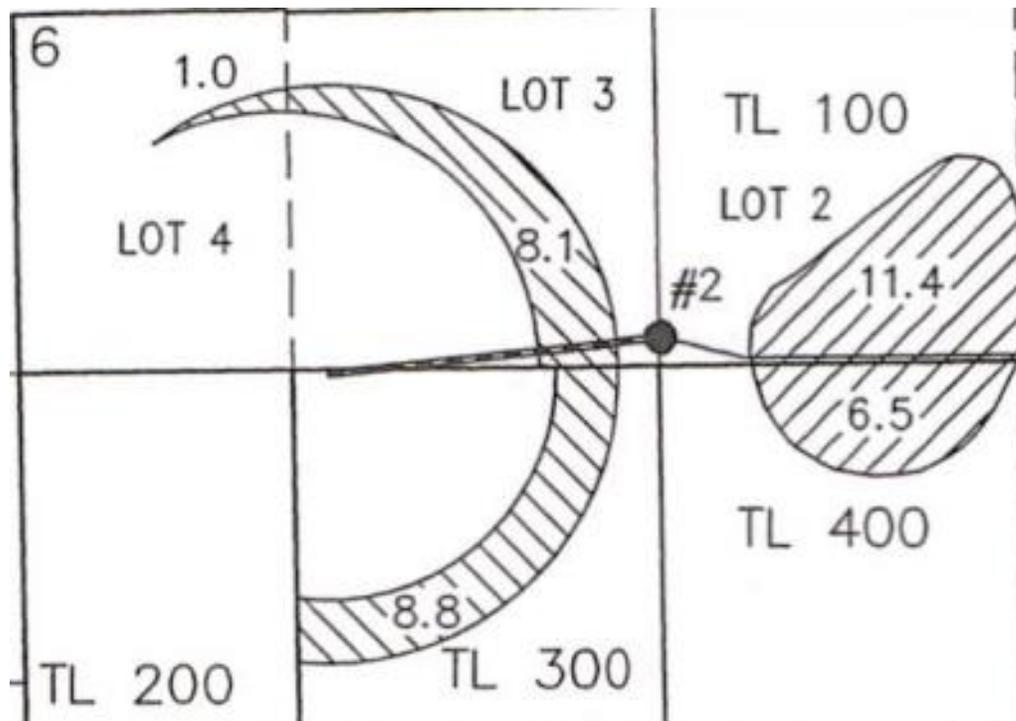


Distribution under prior appropriation.

Example: Senior water right holder starts using water after a period of non-use

Injury

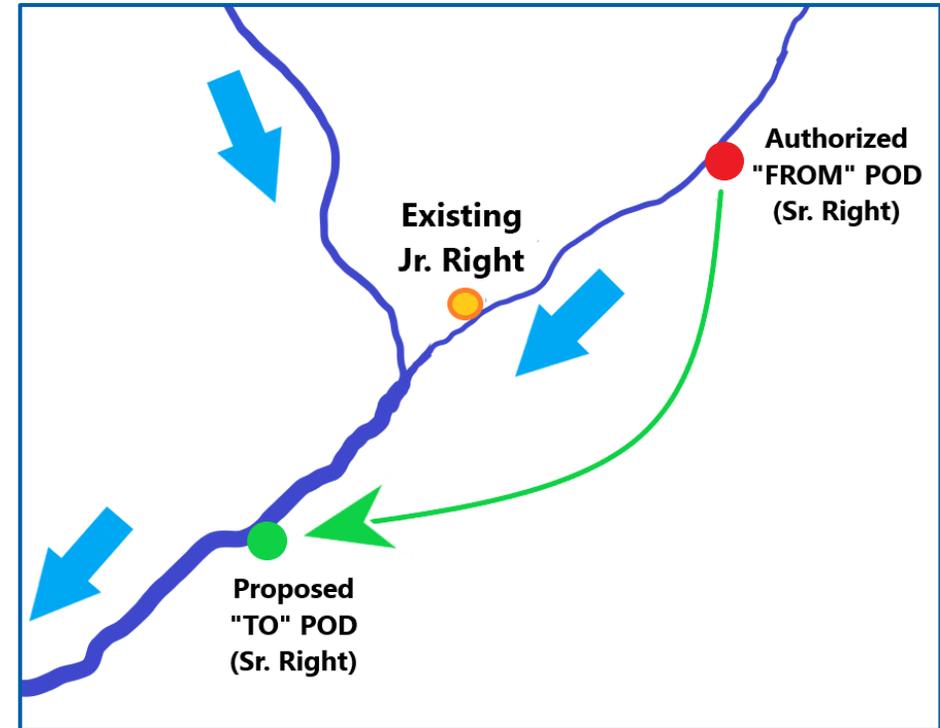
- Change would result in another, existing water right not receiving previously available water to which it is legally entitled



Enlargement

Transfer cannot result in expansion of water right

- Using a greater rate or duty of water than what could have if maximize beneficial use
- Irrigating more acres
- Not drying up “FROM” lands
- Diverting more water than is legally available at original diversion point or well



Other requirements...

- POD changes only
- May condition to include a fish screen at the new POD or to maintain an existing fish screen
- If requested by ODFW



OREGON



WATER RESOURCES
DEPARTMENT