

**Decision Tree for Determining if Multiple Water Rights can be
included in a Single Water Right Transfer Application
(OAR 690-380-3220)**

The following series of questions can be used to determine if separate transfer applications are required for each water right proposed for a change. The questions should be answered in sequence. If the resultant answer to one of the questions is that “Multiple rights can be included in the application,” then the remaining questions need not be addressed.

1. Is there more than one owner of either the “From” lands or the “To” lands?

No – Multiple rights can be included in the application.

Yes – Continue to the next question.

2. Does the proposed change only involve moving to a common point of diversion or appropriation?

Yes – Multiple rights can be included in the application.

No – Continue to the next question.

3. Are all the rights involved “stacked” (i.e, primaries and supplementals)

Yes – Multiple rights can be included in the application.

No – Continue to the next question.

4. Does the transfer involve “flip-flopping” rights in such a way that each change is contingent on another?

Yes – Multiple rights can be included in the application.

No – Separate applications must be submitted for each right.

Other Considerations: The claim of beneficial use for all of the water rights involved in a transfer will be evaluated at one time. The Department does not allow sequential or partial perfection of the rights changed through a water right transfer. As a result, the ability of a water right holder to obtain a certificate and/or apply for a subsequent transfer, including a temporary transfer, will be limited if the first transfer includes rights held by other parties who have not completed the authorized changes.