



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	13	NE NE	46	2880 FEET NORTH AND 910 FEET WEST FROM THE SE CORNER OF CHILDEES DLC 46

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	7	SW SW	75	12.0
4 S	1 W	WM	18	NW NW	75	4.1
4 S	2 W	WM	12	SE SE	46	22.6
4 S	2 W	WM	13	NE NE	46	30.1

- Certificate 34687 identifies the measured distance of the point of appropriation from the SE corner of DLC 46; however, further review of the final proof survey map and the CWRE map submitted with the transfer application indicates the measured distance is actually from the SE corner of DLC 75.
- Transfer Application T-11142 proposes additional points of appropriation approximately 40 feet and 310 feet southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	18	NW NW	75	2730 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF DLC 75
4 S	2 W	WM	13	NE NE	46	2840 FEET NORTH AND 870 FEET WEST FROM THE SE CORNER OF DLC 75

- Notice of the application for transfer was published on October 19, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On March 3, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11142 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 4, 2011, 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.
- On March 14, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11142 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 March 15, 2011, pursuant to ORS 540.420 and OAR 690-380-4020. No protests were filed in response to the notice.

**Transfer Review Criteria (OAR 690-380-4010)**

- 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 right is subject to forfeiture under ORS 540.610.

9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11142.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

### **Conclusions of Law**

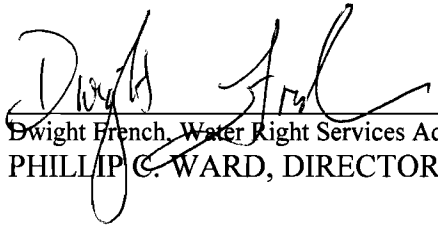
The additional points of appropriation proposed in Transfer Application T-11142 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The additional points of appropriation proposed in Transfer Application T-11142 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 Certificate 34687 and any related decree.
3. Water right certificate 34687 is cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
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 appropriation.
  - 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The approved change 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 change and full beneficial use of the water.

8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 15 day of April 2011.



Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 18 2011