

ACRE-FEET per acre for each acre irrigated during the irrigation season of each year

Period of Use: MARCH 1 through OCTOBER 31

Source: A WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	1 E	WM	6	NW SE	3068 FEET SOUTH AND 2365 FEET WEST FROM THE NE CORNER OF SECTION 6

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	1 E	WM	6	NW SE	20.4

- Transfer Application T-9916 proposes to move the authorized point of appropriation approximately 46 feet southeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	1 E	WM	6	NW SE	3114 FEET SOUTH AND 2319 FEET WEST FROM THE NE CORNER OF SECTION 6

- Notice of the application for transfer was published on May 17, 2005, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On June 17, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-9916 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 17, 2009, 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, including a notarized affidavit consenting to the proposed transfer from the co-owner (Kathy Hostetler) of the property to which water right Certificate 83665 is appurtenant.
- On August 27, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-9916 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 September 1, 2009, pursuant to ORS 540.520 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-9916.
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.

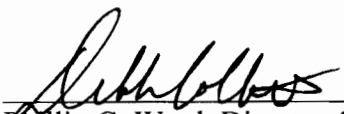
Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-9916 is 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 change in point of appropriation proposed in Transfer Application T-9916 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 Certificate 83665 and any related decree.
3. Water right certificate 83665 is cancelled.
4. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
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, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights 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 2nd day of October 2009.


 Phillip C. Ward, Director *P*

Mailing date: OCT 08 2009