

Authorized Place of Use:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	2 W	WM	10	SW NE	63	0.60
5 S	2 W	WM	10	NE SE	63	10.80
5 S	2 W	WM	10	NW SE	63	19.10
5 S	2 W	WM	10	SW SE	63	8.40
5 S	2 W	WM	10	SE SE	63	1.10

3. The portion of the second right to be transferred is as follows:

Certificate: 63275 in the name of ROBERT L SCHMIDT (perfected under Permit G-10419)

Use: IRRIGATION of 23 ACRES

Priority Date: AUGUST 20, 1984

Rate: 0.29 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.50 acre-feet per acre per year

Source: A WELL in the MILL CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
5 S	2 W	WM	10	NW NE		63	1430 FEET NORTH & 520 FEET EAST FROM NE CORNER, DLC 79

Authorized Place of Use, effected by this transfer:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	2 W	WM	10	NE SE		63	15.20
5 S	2 W	WM	10	SE SE		63	7.80

4. Application T-10020 proposes to move the authorized point of appropriation for certificate 52393 and a portion of certificate 63275 approximately 0.45 mile from the existing point of appropriation in the MILL CREEK basin to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Survey Coordinates
5	S	2	W	W.M.	10	NW SE	—	63	960 FEET SOUTH AND 150 FEET EAST FROM THE NE CORNER OF DLC 79

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.

8. The proposed change would not result in enlargement of the right. The proposed change would not result in injury to other water rights.


Conclusions of Law

The change in point of appropriation proposed in application T-10020 appears to be consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change proposed in T-10020 is approved.
2. The right to 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 52393 and 63275 and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation. New well construction shall be similar to the existing point of appropriation (MARI 2362) so as to produce water only from the alluvial aquifer.
4. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. 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 changes and full beneficial use of the water.
5. 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.
6. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 27th day of February 2006.



FOR Phillip C. Ward, Director

Mailing Date MAR 01 2006