

2013, the Department notified the applicant and agent of the needed condition to be incorporated into any approval of the transfer. On May 1, 2013, the applicants contacted the Department by phone and approved the needed condition for installation of a totalizing flow-meter at the new point of appropriation, and requested to move forward.

5. On May 17, 2013, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11384 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 28, 2013, and in the Bend Bulletin newspaper on May 24 and 31, 2013, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 83456 in the name of JAYMIE KACZMAREK, JERRY & JEANNIE FREUND, JOSEPH ANGEL, LEON & LYNN DENSE, NORTHWEST FARM CREDIT SERVICES, H. RICHARD & PAMALYNN STEINFELD, DONALD NEIL THOMAS AND THOMAS K. & JANICE E. WIMBERLY, (perfected under Permit G-12705)

Use: IRRIGATION of 45.5 ACRES

Priority Date: AUGUST 31, 1992

Rate: 0.57 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL #4 within the DESCHUTES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
16 S	11 E	WM	9	NW NE	WELL #4 - 120 FEET SOUTH AND 300 FEET EAST FROM THE N1/4 CORNER OF SECTION 9

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
16 S	11 E	WM	4	NE SW	0.4
16 S	11 E	WM	4	SE SW	21.3
16 S	11 E	WM	4	NW SE	2.1
16 S	11 E	WM	4	SW SE	15.5
16 S	11 E	WM	9	NW NE	2.1
16 S	11 E	WM	9	NE NW	4.1

- Transfer Application T-11384 proposes to add an additional point of appropriation north of Well #4 approximately 1400 feet:

Proposed Additional point Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
16 S	11 E	WM	4	NW SE	WELL #3 - 1331 FEET NORTH AND 516 FEET EAST FROM THE N1/4 CORNER OF SECTION 9

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.
- A well, 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-11384.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- The proposed, additional point of appropriation produces water from the same source (aquifer) as the original Well#4 and complies with the requirements of OAR 690-380-2110 (2).
- All other application requirements are met.

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-11384 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:

- The change in additional point of appropriation proposed in application T-11384 is approved.
- 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 83456 and any related decree.
- Water right certificate 83456 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
- The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. 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 the new point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2014**. 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. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 2 day of July, 2013.



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

Mailing date: JUL 29 2013