

each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	46 E	WM	21	NE NE	1	1100 FEET SOUTH AND 4580 FEET EAST FROM THE NW CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	46 E	WM	16	SW SW		36.5
15 S	46 E	WM	17	SW SE		1.7
15 S	46 E	WM	17	SE SE		21.7
15 S	46 E	WM	20	NE NE		15.6
15 S	46 E	WM	20	SE NE		14.4
15 S	46 E	WM	21	NE NE	1	6.8
15 S	46 E	WM	21	NW NE		38.0
15 S	46 E	WM	21	SW NE		34.0
15 S	46 E	WM	21	SE NE	2	7.4
15 S	46 E	WM	21	NE NW		39.2
15 S	46 E	WM	21	NW NW		34.3
15 S	46 E	WM	21	SW NW		36.0
15 S	46 E	WM	21	SE NW		34.8
15 S	46 E	WM	21	NE SW		0.1
15 S	46 E	WM	21	NW SW		7.4
Total Acres:						327.9

3. Application T-11280 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	46 E	WM	16	SW SW		13.7
15 S	46 E	WM	16	SW SE		8.8
15 S	46 E	WM	17	SE SE		14.0
15 S	46 E	WM	20	NE NE		35.9
15 S	46 E	WM	20	NW NE		8.0
15 S	46 E	WM	20	SW NE		1.0
15 S	46 E	WM	20	SE NE		19.4
15 S	46 E	WM	21	NE NE	1	1.7
15 S	46 E	WM	21	NW NE		38.2
15 S	46 E	WM	21	SW NE		34.8
15 S	46 E	WM	21	SE NE	2	1.7
15 S	46 E	WM	21	NE NW		31.4
15 S	46 E	WM	21	NW NW		39.0
15 S	46 E	WM	21	SW NW		36.1
15 S	46 E	WM	21	SE NW		33.2
15 S	46 E	WM	21	NE SW		0.6
15 S	46 E	WM	21	NW SW		10.4

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
Total Acres:						327.9

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

Certificate: 51472 in the name of OASIS ACRES, WAYNE DOUGLAS CHENEY PARTNER (perfected under Permit S-41976)

Use: IRRIGATION of 250.7 ACRES

Priority Date: JUNE 13, 1977

Rate: 4.74 CUBIC FEET 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-FORTIETH 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 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	46 E	WM	16	NW SE	2	2000 FEET NORTH AND 3460 FEET EAST FROM THE SW CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	46 E	WM	16	SW NE	3	0.4
15 S	46 E	WM	16	SW NW		12.7
15 S	46 E	WM	16	SE NW		1.5
15 S	46 E	WM	16	NE SW		39.1
15 S	46 E	WM	16	NW SW		40.0
15 S	46 E	WM	16	SE SW		38.2
15 S	46 E	WM	16	NW SE	2	15.8
15 S	46 E	WM	16	SW SE	1	31.8
15 S	46 E	WM	17	SE NE		11.9
15 S	46 E	WM	17	NE SE		40.0
15 S	46 E	WM	17	NW SE		17.4
15 S	46 E	WM	17	SW SE		0.7
15 S	46 E	WM	17	SE SE		0.6
15 S	46 E	WM	21	NW NE		0.3
15 S	46 E	WM	21	NE NW		0.3
Total Acres:						250.7

5. Application T-11280 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	46 E	WM	16	SW NW	3	6.0
15 S	46 E	WM	16	NE SW		35.2

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	46 E	WM	16	NW SW		36.9
15 S	46 E	WM	16	SW SW		17.6
15 S	46 E	WM	16	SE SW		39.2
15 S	46 E	WM	16	NW SE	2	13.8
15 S	46 E	WM	16	SW SE	1	16.4
15 S	46 E	WM	17	SE NE		6.8
15 S	46 E	WM	17	NE SE		38.7
15 S	46 E	WM	17	NW SE		15.6
15 S	46 E	WM	17	SW SE		5.5
15 S	46 E	WM	17	SE SE		16.3
15 S	46 E	WM	21	NE NW		2.7
Total Acres:						250.7

6. The map submitted with T-11280 suggests there may have been a platting error when the Final Proof Survey maps for these rights were created, causing the east/west lines to overlie the lands about 175 feet south of their true location according to a survey performed by the Certified Water Right Examiner. Corrected coordinates for the points of diversion are given as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	46 E	WM	21	NE NE	1	CERTIFICATE 37339 POD: 1275 FEET SOUTH AND 4580 FEET EAST FROM THE NW CORNER OF SECTION 21
15 S	46 E	WM	16	NW SE	2	CERTIFICATE 51472 POD: 1825 FEET NORTH AND 3460 FEET EAST FROM THE SW CORNER OF SECTION 16

7. Notice of the application for transfer was published on August 16, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On August 3, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11280 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 5, 2012, 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.
9. On October 15, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11280 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 16, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
10. On November 16, 2012 the Department issued a Final Order for the transfer, recorded at Special Order Volume 88, Page 735. Shortly following issuance of the order the Department recognized that the quarter-quarter given for the Certificate 37339 POD and the Section given for the location of the Certificate 51472 POD in Finding of Fact #6 of the order had scrivener's errors.

11. This order is issued to correct the scrivener's errors and to supersede the previous order recorded at Special Order Volume 88, Page 735.

Transfer Review Criteria [OAR 690-380-4010(2)]

12. Water has been used within the last five years prior to submittal of the transfer application according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11280.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes would not result in injury to other water rights.

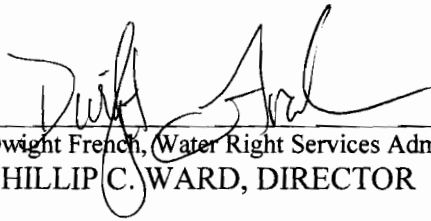
Conclusions of Law

The change in place of use proposed in Transfer Application T-11280 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the scrivener's errors in Special Order Volume 88, Page 735 should be corrected in the record.

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 88, Page 735 is withdrawn and of no further force and effect and is superseded by this order.
2. The change in place of use proposed in application T-11280 is approved.
3. 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 Certificates 37339 and 51472 and any related decree.
4. Water right certificates 37339 and 51472 are cancelled. New certificate 87841 has been issued describing that portion of the right (Certificate 51472) not affected by this transfer.
5. The former place of use of the transferred rights shall no longer receive water under the rights.
6. 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.
7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 24 day of December, 2012.



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

Mailing date: _____