

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	16	SE NW	56	1890 FEET SOUTH AND 2230 FEET EAST FROM THE NW CORNER OF HEWITT DLC 56

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	16	SW NW	56	8.3

4. The transfer application and map show 7.3 acres in the SW NW ¼ ¼ and 1.0 acre in the NW SW ¼ ¼ of Section 16, for a total of 8.3 acres. This description is based on referencing the Government Land Office survey map and a tax assessor's map to a 2005 orthographically corrected aerial photo obtained on line from Oregon State University's Imagery Explorer Natural Resources Library. The dimensions and shape of Section 16 vary from those of a standard section. Current understanding of how the projected quarter quarter lines within the DLC cross the water right place of use causes the 16th section line that joins the W¼ and E¼ corners of Section 16 (T5S, R3W, W.M.) to be slightly north of where it is indicated in the Final Proof Map. This leads the Department to conclude that the place of use should be described as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	3 W	WM	16	SW NW	56	7.3
5 S	3 W	WM	16	NW SW	56	1.0

5. Transfer Application T-10888 proposes to move the authorized point of appropriation to two new points of appropriation approximately 3/8 mile westerly from the existing point of appropriation at the following locations:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	16	SW NW	56	1950 FEET SOUTH AND 390 FEET EAST FROM THE NW CORNER OF HEWITT DLC 56
5 S	3 W	WM	16	SW NW	56	1950 FEET SOUTH AND 680 FEET EAST FROM THE NW CORNER OF HEWITT DLC 56

6. Notice of the application for transfer was published on June 16, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On August 7, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10888 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 22, 2009, for the applicants to respond. The applicants 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.

8. On August 28, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10888 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 1, 2009, and in the News-Register newspaper on September 9, 16 and 23, 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)

9. Water has been used within the last five years prior to the submittal of Transfer Application T-10888 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.
10. 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-10888.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Conclusions of Law

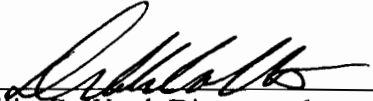
The change in point of appropriation to two new points of appropriation proposed in Transfer Application T-10888 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation to two new points of appropriation proposed in application T-10888 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 53095 and any related decree.
3. Water right certificate 53095 is cancelled. A new certificate will be issued to describe the portion of the right not affected by this transfer.
4. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement:
 - 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 changes 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 changes and full beneficial use of the water.
 8. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 26th day of October 2009.



Phillip C. Ward, Director

Mailing date: OCT 28 2009