

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
6 S	3 W	WM	23	SW NE
6 S	3 W	WM	23	SE NE
6 S	3 W	WM	23	SE NW
6 S	3 W	WM	23	NE SW
6 S	3 W	WM	23	NW SW
6 S	3 W	WM	23	SW SW
6 S	3 W	WM	23	SE SW
6 S	3 W	WM	23	NE SE
6 S	3 W	WM	23	NW SE
6 S	3 W	WM	23	SW SE
6 S	3 W	WM	23	SE SE
6 S	3 W	WM	25	NW SW
6 S	3 W	WM	25	SW SW
6 S	3 W	WM	25	SE SW
6 S	3 W	WM	25	SW SE
6 S	3 W	WM	25	SE SE
6 S	3 W	WM	26	NE NE
6 S	3 W	WM	26	NW NE
6 S	3 W	WM	26	SW NE
6 S	3 W	WM	26	SE NE
6 S	3 W	WM	26	NE NW
6 S	3 W	WM	26	NW NW
6 S	3 W	WM	26	SW NW
6 S	3 W	WM	26	SE NW
6 S	3 W	WM	26	NE SW
6 S	3 W	WM	26	NW SW
6 S	3 W	WM	26	SW SW
6 S	3 W	WM	26	SE SW
6 S	3 W	WM	26	NE SE
6 S	3 W	WM	26	NW SE
6 S	3 W	WM	26	SW SE
6 S	3 W	WM	26	SE SE
6 S	3 W	WM	27	SE SW
6 S	3 W	WM	27	SW SE
6 S	3 W	WM	27	SE SE
6 S	3 W	WM	33	NE NE
6 S	3 W	WM	33	NW NE
6 S	3 W	WM	33	SW NE
6 S	3 W	WM	33	SE NE
6 S	3 W	WM	33	NE SE
6 S	3 W	WM	33	NW SE
6 S	3 W	WM	33	SE SE
6 S	3 W	WM	34	NE NE
6 S	3 W	WM	34	NW NE
6 S	3 W	WM	34	SW NE

Twp	Rng	Mer	Sec	Q-Q
6 S	3 W	WM	34	SE NE
6 S	3 W	WM	34	NE NW
6 S	3 W	WM	34	NW NW
6 S	3 W	WM	34	SW NW
6 S	3 W	WM	34	SE NW
6 S	3 W	WM	34	NE SW
6 S	3 W	WM	34	NW SW
6 S	3 W	WM	34	SW SW
6 S	3 W	WM	34	SE SW
6 S	3 W	WM	34	NE SE
6 S	3 W	WM	34	NW SE
6 S	3 W	WM	34	SW SE
6 S	3 W	WM	34	SE SE
6 S	3 W	WM	35	NE NE
6 S	3 W	WM	35	NW NE
6 S	3 W	WM	35	SW NE
6 S	3 W	WM	35	SE NE
6 S	3 W	WM	35	NE NW
6 S	3 W	WM	35	NW NW
6 S	3 W	WM	35	SW NW
6 S	3 W	WM	35	SE NW
6 S	3 W	WM	35	NE SW
6 S	3 W	WM	35	NW SW
6 S	3 W	WM	35	SW SW
6 S	3 W	WM	35	SE SW
6 S	3 W	WM	35	NE SE
6 S	3 W	WM	35	NW SE
6 S	3 W	WM	35	SW SE
6 S	3 W	WM	35	SE SE
6 S	3 W	WM	36	NE NE
6 S	3 W	WM	36	NW NE
6 S	3 W	WM	36	SW NE
6 S	3 W	WM	36	NE NW
6 S	3 W	WM	36	NW NW
6 S	3 W	WM	36	SW NW
6 S	3 W	WM	36	SE NW
6 S	3 W	WM	36	NE SW
6 S	3 W	WM	36	NW SW
6 S	3 W	WM	36	SW SW
6 S	3 W	WM	36	SE SW
7 S	3 W	WM	1	NE NW
7 S	3 W	WM	1	NW NW
7 S	3 W	WM	1	SW NW
7 S	3 W	WM	1	SE NW
7 S	3 W	WM	1	NE SW
7 S	3 W	WM	1	NW SW
7 S	3 W	WM	1	SW SW
7 S	3 W	WM	1	SE SW
7 S	3 W	WM	1	NW SE
7 S	3 W	WM	1	SW SE
7 S	3 W	WM	2	NE NE

Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	2	NW NE
7 S	3 W	WM	2	SW NE
7 S	3 W	WM	2	SE NE
7 S	3 W	WM	2	NE NW
7 S	3 W	WM	2	NW NW
7 S	3 W	WM	2	SW NW
7 S	3 W	WM	2	SE NW
7 S	3 W	WM	2	NE SW
7 S	3 W	WM	2	NW SW
7 S	3 W	WM	2	SW SW
7 S	3 W	WM	2	SE SW
7 S	3 W	WM	2	NE SE
7 S	3 W	WM	2	NW SE
7 S	3 W	WM	2	SW SE
7 S	3 W	WM	2	SE SE
7 S	3 W	WM	3	NE NE
7 S	3 W	WM	3	NW NE
7 S	3 W	WM	3	SW NE
7 S	3 W	WM	3	SE NE
7 S	3 W	WM	3	NE NW
7 S	3 W	WM	3	NW NW
7 S	3 W	WM	3	SW NW
7 S	3 W	WM	3	SE NW
7 S	3 W	WM	3	NE SW
7 S	3 W	WM	3	NE SE
7 S	3 W	WM	3	NW SE
7 S	3 W	WM	3	SW SE
7 S	3 W	WM	3	SE SE
7 S	3 W	WM	4	NE NE
7 S	3 W	WM	4	SE NE
7 S	3 W	WM	4	NE SE
7 S	3 W	WM	10	NE NE
7 S	3 W	WM	10	NW NE
7 S	3 W	WM	10	SW NE
7 S	3 W	WM	10	SE NE
7 S	3 W	WM	10	NE SE
7 S	3 W	WM	10	NW SE
7 S	3 W	WM	10	SW SE
7 S	3 W	WM	10	SE SE
7 S	3 W	WM	11	NE NE
7 S	3 W	WM	11	NW NE
7 S	3 W	WM	11	SW NE
7 S	3 W	WM	11	SE NE
7 S	3 W	WM	11	NE NW
7 S	3 W	WM	11	NW NW
7 S	3 W	WM	11	SW NW
7 S	3 W	WM	11	SE NW
7 S	3 W	WM	11	NE SW
7 S	3 W	WM	11	NW SW
7 S	3 W	WM	11	NE SE
7 S	3 W	WM	11	NW SE

Twp	Rng	Mer	Sec	Q-Q
7 S	3 W	WM	12	NW NW
7 S	3 W	WM	12	SW NW

3. Transfer Application T-10591 proposes to move the authorized point of appropriation approximately 100 feet South from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	3 W	WM	26	NE SW	NEW DELTA WELL - 1647 FEET NORTH AND 2567 FEET EAST FROM SOUTHWEST CORNER OF SECTION 26

4. Notice of the application for transfer was published on April 29, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. Under ORS.537.099, any governmental entity that holds a water right shall submit an annual water use report to the Water Resources Department.
6. On August 31, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10591 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 30, 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.
7. On September 29, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10591 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 October 6, 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)

8. 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 municipal distribution 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-10591.
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-10591 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 application T-10591 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 56362 and any related decree.
3. Water right Certificate 56362 is cancelled. A new certificate will be issued to describe the portion of the right not modified by the provisions of this order.
4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water that was lawfully available at the original point of appropriation.
5. 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 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 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 change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. 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 portion of the right transferred will be issued.

Dated at Salem, Oregon this 9th day of November 2009.



Phillip C. Ward, Director *pc*

Mailing date: DEC 11 2009