

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
14	S	16	E	W.M.	31	SE SE	—	—	NA
14	S	16	E	W.M.	31	SW NE	—	—	NA
14	S	16	E	W.M.	31	NE NW	—	—	NA
14	S	16	E	W.M.	31	NW NW	—	—	NA
14	S	16	E	W.M.	31	SE NW	—	—	NA
14	S	16	E	W.M.	31	SE SW	—	—	NA
14	S	16	E	W.M.	31	NE SE	—	—	NA
14	S	16	E	W.M.	31	NW SE	—	—	NA
14	S	16	E	W.M.	31	SW SE	—	—	NA
14	S	16	E	W.M.	32	SW NW	—	—	NA
14	S	16	E	W.M.	32	NE SW	—	—	NA
14	S	16	E	W.M.	32	NW SW	—	—	NA
14	S	16	E	W.M.	32	SW SW	—	—	NA
14	S	16	E	W.M.	32	SE SW	—	—	NA
14	S	16	E	W.M.	32	NW SE	—	—	NA
14	S	16	E	W.M.	32	SW SE	—	—	NA
15	S	16	E	W.M.	3	NW NW	—	—	NA
15	S	16	E	W.M.	4	NW NE	—	—	NA
15	S	16	E	W.M.	4	SW NE	—	—	NA
15	S	16	E	W.M.	4	NE NW	—	—	NA
15	S	16	E	W.M.	4	NW NW	—	—	NA
15	S	16	E	W.M.	4	SW NW	—	—	NA
15	S	16	E	W.M.	5	NW NE	—	—	NA
15	S	16	E	W.M.	5	NE NE	—	—	NA
15	S	16	E	W.M.	5	SW NE	—	—	NA
15	S	16	E	W.M.	5	SE NE	—	—	NA
15	S	16	E	W.M.	5	NE NW	—	—	NA
15	S	16	E	W.M.	5	NW NW	—	—	NA
15	S	16	E	W.M.	5	SW NW	—	—	NA
15	S	16	E	W.M.	5	SE NW	—	—	NA
15	S	16	E	W.M.	5	NE SW	—	—	NA
15	S	16	E	W.M.	5	NW SW	—	—	NA
15	S	16	E	W.M.	5	NW SE	—	—	NA
15	S	16	E	W.M.	6	NE NE	—	—	NA
15	S	16	E	W.M.	6	NW NE	—	—	NA
15	S	16	E	W.M.	6	SE NE	—	—	NA

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
15	S	16	E	W.M.	6	NE NW	—	—	NA
15	S	16	E	W.M.	6	SE NW	—	—	NA
15	S	16	E	W.M.	6	NE SE	—	—	NA

3. Application T-9762 proposes to add an authorized point of appropriation approximately 0.125 mile from the existing point of appropriation in the Ochoco Creek basin to:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
15	S	16	E	W.M.	4	NE NE			1315 feet South and 1370 feet East of the North ¼ Corner of Section 4

4. 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.
5. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and Municipal water system sufficient to use the full amount of water allowed under the existing right is present.
7. The authorized Stearns Well #2 has produced over 700 gpm (1.56 cfs) during a pump test. The Barney Well has produced 700 gpm during a pump test; however, the two wells interfere with each other; and can together produce 900 gpm (2.0 cfs) when pumped concurrently.
8. The proposed change would not result in enlargement of the right, provided that the quantity of water 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 (1.56 cfs, or 700 gpm).
9. The Department's Groundwater section and the local Watermaster have indicated the proposed change would not result in injury to other water rights.
10. Departmental review discovered a clerical error in the description of the place of use in Certificate 57443. Namely, there are two listings of the SW ¼ NW¼ of Section 4, T14S, R16E, and W.M. The first listing should properly be the SW¼ NE¼. This document correctly lists the place of use for the right. At a later date the Department will issue a new certificate correcting the listing of the place of use.

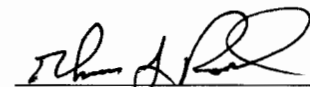
Conclusion of Law

The additional point of appropriation proposed in application T-9762, conditioned as above to avoid enlargement of the right, and 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 T-9762 is approved.
2. Water right certificate 57443 is cancelled.
3. 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 Certificate 57443 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed change shall be completed on or before October 1, 2005.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
7. 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.
8. Prior to diverting water at the new point of appropriation, 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.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the additional point of appropriation will be issued.

Dated at Salem, Oregon this 22 day of NOVEMBER, 2004.



Phillip C. Ward
Director

Mailing date: NOV 29 2004