



**Authorized Point of Diversion:**

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
4_	N	37	E	W.M.	5	NE SE	___

**Authorized Place of Use:**

Township	Range	Meridian	Sec	¼ ¼	Lot	Priority Date	Acres		
4	N	37	E	W.M.	5	NE NW	3	1883	4.0
4	N	37	E	W.M.	5	NE NW	3	1893	1.2

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

**Certificate:** 13314, the name of Otto Zimmerman  
**Use:** Irrigation  
**Priority Date:** 1880  
**Rate/Duty:** One and One-Half Miner's Inches  
**Acres:** 3.30  
**Source:** South Fork Walla Walla River, tributary to Walla Walla River

**Authorized Point of Diversion:**

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
4_	N	37	E	W.M.	5	NE NW	___

**Authorized Place of Use:**

Township	Range	Meridian	Sec	¼ ¼	Lot	Priority Date	Acres		
5	N	37	E	W.M.	32	SW SW		1880	3.3

4. Application T-7483 proposes to move the authorized point of diversion for both of the above described rights to approximately 2200 feet downstream (furthest POD = C# 12630) in the South Fork Walla Walla River to a point located:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location	
4_	N	37	E	W.M.	5	NE NW	___	162' South and 837' East from the SW Corner, Section 32, T 5 N, R 37 E

5. Application T-7483 proposes to change the place of use and character of use to Fish Hatchery use located:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location	
4	N	37	E	W.M.	5	NE NW	3	Hatchery
5	N	37	E	W.M.	32	SW SW	___	Hatchery

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

7. 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.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right
10. The proposed change would not result in injury to other water rights.

### **Conclusions of Law**

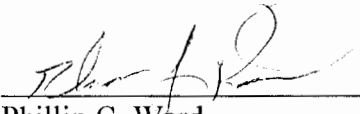
The proposed changes in points of diversion and character of use in application T-7483 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

### **Now, therefore, it is ORDERED:**

1. The changes in point of diversion, place of use, and character of use proposed in application T-7483 are approved.
2. Water right certificates 12630 and 13314 are cancelled. A new certificate will be issued describing that portion of certificate 12630 not involved in this transfer. A new certificate describing that portion of certificate 13314 not involved in this transfer and in transfer T-9794 will be issued with the final order for T-9794.
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 12630 and 13314 and any related decree.
4. The proposed changes shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
7. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28<sup>th</sup> day of January, 2005.

  
Phillip C. Ward  
Director

Mailing date: FEB 01 2005