

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	36 E	WM	19	NE NE	2.5 chains South and 9.0 chains West from the NE Corner of Section 19

Authorized Place of Use - Primary Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	36 E	WM	19	NE NE	12.24
5 N	36 E	WM	19	NW NE	2.00

3. Application T-8891 proposes to CHANGE THE PLACE OF USE for the above described lands to:

Proposed Place of Use - Primary Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	36 E	WM	18	SW SE	5.18
5 N	36 E	WM	18	SE SE	7.34
5 N	36 E	WM	19	NE NE	1.72

4. Notice of the application for transfer was published on September 24, 2001, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. A Preliminary Determination was issued by the Department on December 19, 2006. Notice of the Preliminary Determination was published on the Department's web site in accordance with OAR 690-380-4020. No protests were filed.
5. This application proposes to bring a groundwater right onto lands covered by Certificate 12750, which results in a conflict with Certificate 12750. However, the conflicting portion of Certificate 12750 is proposed to be transferred to an instream water right under the associated transfer application T-8890 being processed simultaneously with this transfer application (T-8891).
6. There is a supplemental water right (Certificate 67145) appurtenant to a portion of the lands on which the water right described for transfer is located. The applicant has submitted an affidavit of cancellation for the entire supplemental water right.
7. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is 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.

Cancellation of an entire Water Right

11. On February 19, 2003, Clark & Lyla Lampson submitted an affidavit meeting the requirements of ORS 540.621 for cancellation of a water right. The Lampsons requested that the affected water right under certificate 67145 be cancelled upon issuance of the Final Order approving T-8890 and T-8891. The abandoned right is described as follows:

Certificate: 67145 in the name of Broadway Finance Inc., (perfected under Permit S-48317)
Use: Supplemental Irrigation on 2.3 ACRES
Priority Date: October 7, 1983
Rate: 0.086 Cubic Foot Per Second (cfs)
Limit/Duty: 0.0375 cfs per acre, not to exceed 3.0 acre feet per acre per year
Source: Walla Walla River, a tributary to the Columbia River

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	36 E	WM	20	NE NE	1800 Feet North and 820 Feet East from the E $\frac{1}{4}$ Corner of Section 20

Authorized Place of Use to be cancelled:

Place of Use to be cancelled – Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	36 E	WM	19	NE NE	2.3

Conclusions of Law

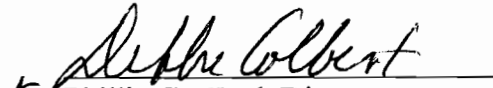
The proposed change in application T-8891 is consistent with the requirements of ORS 537.705, ORS 540.505 to 540.580, and OAR 690-380-5000, and is approved. The portion of certificate 67145 described in Finding of Fact #11 is abandoned and will be cancelled.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-8891 is approved and effective upon issuance of this Final Order.
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 27106 and any related decree.
3. The proposed change shall be completed on or before **October 1, 2008**.
4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by **October 1, 2009**.
5. Certificate 27106 is hereby cancelled. A new certificate will be issued confirming that portion of Certificate 27106 NOT modified or cancelled by the provisions of this transfer and transfer T-8890. The cancellation of this certificate shall occur concurrent with the approval transfer application T-8890.

6. Certificate 67145 is hereby cancelled. The cancellation of this certificate shall occur concurrent with the approval transfer application T-8890.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 12th day of January 2007.


Phillip C. Ward, Director

mailing date FEB 15 2007