

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	8 E	WM	27	NE SW	0.3
34 S	8 E	WM	27	SE SW	3.5
34 S	8 E	WM	27	SW SE	12.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	8 E	WM	27	SW SE	8.7
34 S	8 E	WM	34	NW NE	10.2
34 S	8 E	WM	34	NE NW	4.8

- Transfer Application T-10813 proposes an additional point of appropriation (KLAM 1064 / KLAM 53639) located approximately 1.2 miles from the existing point of appropriation (KLAM 1055 / KLAM 1056) at the following location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	8 E	WM	34	SE NE	1550 FEET SOUTH AND 4870 FEET EAST FROM SW CORNER, SECTION 27

- Notice of the application was published on March 24, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On August 4, 2009, the Department mailed the draft Preliminary Determination approving Transfer Application T-10813 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 3, 2009 for the applicant to respond. The applicant requested that the Department proceed with the issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- On September 14, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10813 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 September 22, 2009, and in the Herald and News newspaper on October 2, 9, and 16, 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)

- Water has been used 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.
- A pump and ditch delivery 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-10813.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

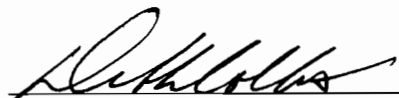
Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-10813 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 additional point of appropriation proposed in application T-10813 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 42656 and any related decree.
3. Water right certificate 42656 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. 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.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. 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 new 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 is located within a private structure, the Watermaster shall request access upon reasonable notice.
7. The approved change 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 change and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 19th day of November 2009.


Phillip C. Ward, Director *PH*

Mailing Date: DEC 11 2009