



**Authorized Place of Use:**

**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	31	NE NE	59	19.6
4 S	1 W	WM	31	NW NE	59	0.05

3. The second right to be transferred is as follows:

**Certificate:** 81760 in the name of THOMAS H. DeARMOND (perfected under Permit G-460)

**Use:** IRRIGATION of 4.7 ACRES

**Priority Date:** FEBRUARY 25, 1957

**Rate:** 0.06 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** TWO WELLS IN THE SENESCHAL CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	1 W	WM	31	NE NE	59	WELL #1, 607 FEET NORTH & 812 FEET WEST FROM SE CORNER, SENESCHAL DLC 59
4 S	1 W	WM	30	SE SE	59	WELL #2, 1000 FEET NORTH & 50 FEET WEST FROM SE CORNER, SECTION 30

**Authorized Place of Use:**

**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	31	NE NE	59	4.4
4 S	1 W	WM	32	NW NW	59	0.3

4. The description of the source basin (Seneschal Creek) in Certificates 68376 and 81760, is in error. The correct source basin is Senecal Creek.
5. Application T-10071 proposes to add two points of appropriation to Certificate 68376 approximately 0.10 mile SW and 0.27 mile NE from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	1 W	WM	30	SE SE	59	WELL #2, 1000 FEET NORTH & 50 FEET WEST FROM SE CORNER, SECTION 30
4 S	1 W	WM	31	NE NE	59	WELL #3, 200 FEET NORTH & 1130 FEET WEST FROM SE CORNER DLC 59

6. Application T-10071 also proposes to add one point of appropriation to Certificate 81760 approximately 0.10 and 0.37 mile SW from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	1 W	WM	31	NE NE	59	WELL #3, 200 FEET NORTH & 1130 FEET WEST FROM SE CORNER DLC 59

7. Notice of the application for transfer was published on January 31, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
8. 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 rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.
12. On May 17, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10071 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 May 23, 2006, and in the Woodburn Independent newspaper on May 31 and June 7 and 14, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

### **Conclusions of Law**


The additional points of appropriation proposed in application T-10071 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

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

1. The additional points of appropriation proposed in application T-10071 are approved.
2. Water right certificates 68376 and 81760 are 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 Certificates 68376 and 81760 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. 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 changes and full beneficial use of the water.
6. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

7. When required by the Department, 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.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 24<sup>th</sup> day of July 2006.

  
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Phillip C. Ward, Director *PCW*

Mailing date: JUL 3 1 2006