

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
7 S	39 E	WM	3	NW NE	2	WELL #1: 3960 FEET NORTH AND 2420 FEET WEST FROM THE SE CORNER OF SECTION 3

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
7 S	39 E	WM	2	NW NW	4	39.0
7 S	39 E	WM	2	SW NW		37.4
7 S	39 E	WM	3	NE NE	1	40.0
7 S	39 E	WM	3	NW NE	2	38.3
7 S	39 E	WM	3	SW NE		0.4
7 S	39 E	WM	3	SE NE		33.6

3. Transfer Application T-10837 proposes to add points of appropriation. The proposed wells #1a and #2a are more than 1 mile southeast from the authorized well. Proposed wells #2 and #3 are less than 1320 feet north from the authorized well. The proposed wells are located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	39 E	WM	33	NW NE	WELL #1A: 660 FEET SOUTH AND 10 FEET EAST FROM THE N¼ CORNER OF SECTION 33
6 S	39 E	WM	33	NE NE	WELL #2A: 1260 FEET SOUTH AND 1650 FEET EAST FROM THE N¼ CORNER OF SECTION 33
7 S	39 E	WM	3	NW NE	WELL #2: 28 FEET SOUTH AND 530 FEET EAST FROM THE N¼ CORNER OF SECTION 3
7 S	39 E	WM	3	NW NE	WELL #3: 32 FEET SOUTH AND 722 FEET EAST FROM THE N¼ CORNER OF SECTION 3

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

Certificate: 74070 in the name of Douglas R Standford (perfected under Permit G-2662)
Use: SUPPLEMENTAL IRRIGATION of 432.9 ACRES
Priority Date: MAY 20, 1964
Rate: 5.30 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL NUMBER 1 AND WELL NUMBER 2 within the NORTH POWDER RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	39 E	WM	33	NW NE	**WELL #1A: 660 FEET SOUTH AND 10 FEET EAST FROM N1/4 CORNER OF SECTION 33
6 S	39 E	WM	33	NE NE	**WELL #2A: 1260 FEET SOUTH AND 1650 FEET EAST FROM N1/4 CORNER OF SECTION 33

****Well names were changed for clarification purposes****

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	39 E	WM	34	NE NE	40.0
6 S	39 E	WM	34	NW NE	39.1
6 S	39 E	WM	34	SW NE	35.0
6 S	39 E	WM	34	SE NE	40.0
6 S	39 E	WM	34	NE SE	40.0
6 S	39 E	WM	34	NW SE	39.1
6 S	39 E	WM	34	SW SE	34.4
6 S	39 E	WM	34	SE SE	39.1
6 S	39 E	WM	35	NW NW	18.6
6 S	39 E	WM	35	SW NW	38.1
6 S	39 E	WM	35	SE NW	3.8
6 S	39 E	WM	35	NE SW	24.4
6 S	39 E	WM	35	NW SW	40.0
6 S	39 E	WM	35	SE SW	1.3

5. Transfer Application T-10837 proposes additional points of appropriation that are more than 1 mile southeast from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	39 E	WM	3	NW NE	WELL #1: 3960 FEET NORTH AND 2420 FEET WEST FROM THE SE CORNER OF SECTION 3
7 S	39 E	WM	3	NW NE	WELL #2: 28 FEET SOUTH AND 530 FEET EAST FROM THE N¼ CORNER OF SECTION 3
7 S	39 E	WM	3	NW NE	WELL #3: 32 FEET SOUTH AND 722 FEET EAST FROM THE N¼ CORNER OF SECTION 3

6. Notice of the application for transfer was published on April 21, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On August 19, 2009, the Department mailed to the applicant a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10837. The draft Preliminary Determination set forth a deadline of September 21, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer
8. On September 8, 2009, the Department mailed a copy of the Preliminary Determination to the applicant proposing to approve Transfer Application T-10837. Additionally, the notice of the preliminary determination for the transfer application was published on the Department's weekly notice on September 15, 2009, and in the Baker City Herald

newspaper on September 25, and October 2 and 9, 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)

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10837.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.

Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-10837 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 additional points of appropriation proposed in application T-10837 are 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 Certificates 53299, 74070 and any related decree.
3. Water right certificates 53299 and 74070 are cancelled.
4. 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.
5. 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 each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. The approved changes 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 changes and full beneficial use of the water.
8. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 12th day of November 2009.


Phillip C. Ward, Director

Mailing date: DEC 11 2009