

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	7	NW NW	1		12.00
5 S	4 W	WM	7	SW NW		65	2.00
5 S	4 W	WM	7	SE NW		65	3.60
5 S	4 W	WM	7	SE NW	3		1.30

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

Certificate: 22239 in the name of HAROLD W. HELLER (perfected under Permit S-22343)

Use: IRRIGATION of 28.7 ACRES

Priority Date: JUNE 11, 1952

Rate: 0.36 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of a cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: S YAMHILL R, tributary to YAMHILL R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot
5 S	4 W	WM	6	SW SW	11

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	7	SE NW	3		5.40
5 S	4 W	WM	7	SE NW		43	7.40
5 S	4 W	WM	7	NE SW		43	10.40
5 S	4 W	WM	7	NE SW	4		4.90
5 S	4 W	WM	7	NW SE		43	0.60

4. The portion of the third right to be transferred is as follows:

Certificate: 65195 in the name of ELMER SHARER C/O EDWIN SHARER (perfected under Permit S-41461)

Use: IRRIGATION of 26.3 ACRES

Priority Date: JANUARY 31, 1977

Rate: 0.33 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of a cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: S YAMHILL R, tributary to YAMHILL R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
5 S	4 W	WM	6	SE SW	10	1250 FEET NORTH FROM NE CORNER, DLC 65

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	4 W	WM	7	NW NW	1	17.10
5 S	5 W	WM	12	NE NE	7	9.20

5. Application T-9281 proposes to move the authorized point of diversion approximately 1.0 mile from the existing points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
5 S	4 W	WM	5	SW NW	37	320 FEET NORTH AND 1400 FEET WEST FROM THE EASTERLEY SE CORNER OF MARTIN DLC 37.

6. Application T-9281 also proposes to change the place of use of Certificate 19892 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	8	SW SW	80	13.10
5 S	4 W	WM	8	SE SW	80	30.70
5 S	4 W	WM	8	SW SE	80	9.10

7. Application T-9281 also proposes to change the place of use of Certificate 22239 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	8	NE SW	80	1.60
5 S	4 W	WM	8	NW SE	80	22.20
5 S	4 W	WM	8	SW SE	80	4.90

8. Application T-9281 also proposes to change the place of use of a portion of Certificate 65195 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	8	NE SW	80	19.60
5 S	4 W	WM	8	NW SW	80	6.70

9. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
10. 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.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

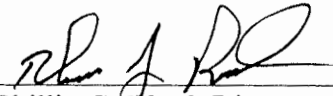
The proposed changes in places of use and points of diversion in application T-9281 appear to be consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in points of diversion and places of use proposed in application T-9281 are approved.
2. Water right certificates 19892, 22239, and 65195 are cancelled. A new certificate will be issued describing that portion of Certificate 65195 not involved in this transfer.
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 19892, 22239, and 65195, 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 proposed point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion under Certificates 19892 and 22239.
7. The quantity of water diverted at the proposed point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion under Certificate 65195.
8. The former places of use shall no longer receive water as part of these rights.
9. Prior to diverting water, 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.
10. 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.

11. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 14th day of FEBRUARY, 2005.


Phillip C. Ward, Director

Mailing date: FEB 22 2005