

In the Matter of Transfer Application) FINAL ORDER
T-7143 to Add a Point of Appropriation of Water)
Marion County, Oregon)

Special Order Volume 59, Page 247.

The authorized place of use for this portion of the right under Certificate 65248 is located as follows:

Township		Range		Meridian	Section	¼	¼	Lot	DLC	Acres
5	S	1	W	WM	31	NE	SW	8		5.0

4. Transfer application T-7143 proposes to add a point of appropriation on the applicant's property, to be used in addition to the well of record to irrigate the 5.0 acres identified above. The proposed point of appropriation is located as follows:

Township		Range		Meridian	Section	¼	¼	Lot	DLC	LOCATION
5	S	1	W	WM	31	NE	SW	8		600' S & 3240' W from the E¼ corner of Section 31

5. Pursuant to ORS 540.520 and OAR 690-015-080, the Department published notice of the transfer application in the Department's Weekly Notice dated May 4, 1994.
6. No comments or timely protests were received in response to the published notice.
7. The applicant attested that water had been used under the right during the five-year period prior to filing of the application. No evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. The Department has determined the additional point of appropriation requested will not result in enlargement of the right, provided that the quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the original point of appropriation, does not exceed the quantity of water lawfully authorized by the water right.
9. The Department has determined the change requested by Antone Schlechter and Mary Schlechter would not result in injury to other water rights.

Conclusions of Law

1. The transfer application submitted by Antone Schlechter and Mary Schlechter included the information required by ORS 540.520(2).
2. The appropriate fees accompanied the transfer application submitted by Antone Schlechter and Mary Schlechter as set forth in ORS 536.050.
3. The water right affected by the proposed transfer is a water use subject to transfer pursuant to ORS 540.505.
4. The proposed transfer complies with the requirements of ORS 540.520.

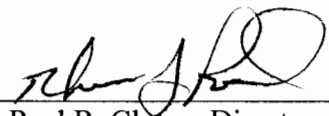
5. The Director should approve the transfer because the application satisfies the criteria and requirements of ORS 540.520 and ORS 540.530 resulting in no injury to other water rights.

Order

Now, therefore, it is ORDERED:

1. Transfer application T-7143 is approved.
2. The changes to the existing water right may be made provided the water user meets the following conditions:
 - a) The quantity of water diverted at the additional point of appropriation (well), together with the quantity diverted at the original point of appropriation, shall not exceed the quantity of water lawfully authorized by the water right.
 - b) When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
 - c) Water shall be acquired from the same aquifer as the original point of appropriation.
3. Water right certificate 65248 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer.
4. The changes authorized by this order shall be completed on or before October 1, 2005.
5. When satisfactory proof of the completed changes is received, a new certificate will be issued confirming the portion of the water right transferred. All the terms and conditions of the right perfected under Permit G-10415 shall be included in the new certificate.

Dated FEB 24 2004



Paul R. Cleary, Director

Mailing date: MAR 03 2004