

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

Certificate: 55313 in the name of JAKE W. ELFERING
Use: IRRIGATION of 3.9 ACRES
Priority Date: APRIL 23, 1980
Quantity: 0.049 CUBIC FOOT PER SECOND (CFS)
Rate/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year
Source: A SUMP, tributary to WILLOW CREEK

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
18	S	45	E	W.M.	7	SW	SE	80 feet North and 360 feet East from the South ¼ corner of Section 7

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
18	S	45	E	W.M.	7	SW	SE	2605	3.9

7. Application T-9779 proposes to change the point of appropriation in the sump to:

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
18	S	45	E	W.M.	7	SW	SE	100 feet North and 525 feet East from the South ¼ corner of Section 7

8. Notice of the application for transfer was published on October 12, 2004, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. Notice of the preliminary determination for the transfer application was published on the Department's weekly notice on December 27, 2005, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.
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 right.
14. Upon completion, the receiving landowners for tax lot 2605 will be Richard F. and Leah L. Gannon.


Conclusions of Law

The additional point of appropriation proposed in application T-9779 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-9779 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 55313 and any related decree.
3. Water Right Certificate 55313 is cancelled. A remaining right certificate shall be issued for the portion of the certificate not affected by this transfer.
4. 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.
5. The quantity of water diverted at the additional point of appropriation, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. When required by the Department, 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.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 31ST day of July, 2006.


Phillip C. Ward, Director

Mailing date: AUG 02 2006