

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Applications)	FINAL ORDER APPROVING
T-8900 and T-8902, Deschutes County)	CHANGES IN PLACE OF USE AND
)	POINT OF APPROPRIATION
)	

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DAVID HERMAN
LAZY Z PARTNERS, LLC
1628 NW EVERETT ST
PORTLAND OR 97209-2109

Agent

BRUCE ESTES, PLS, CWRE
ESTES SURVEYS, LLC
60382 ARNOLD RD
BEND, OR 97702

Findings of Fact

1. On 10-1-2001, David Herman filed two transfer applications. The first proposed a change in the place of use under Certificates 291 as modified by approval order Volume 1, Page 290 (Transfer K-3), 303, 863, 982 as modified by approval order Volume 1, Page 290 (Transfer K-3), 2056, 24028, 24167, 24597, 81453, 74135, and 81454. The second proposed a change in points of appropriation, place of use, and the concurrent transfer of supplemental water rights appurtenant to the abovementioned certificates, and as described in Certificates 45033, 57156, and 57115. The Department assigned the applications numbers T-8900 and T-8902.
2. Since 10-1-2001 a series of revisions have been submitted: 12-31-2001, 10-31-2002, 6-14-2003, 6-28-2003, 08-22-2003, 12-9-2004 and the most current 1-19-2005. The 1-19-2005 revision reflects the final intent of the applicant.
3. The portion of the first right to be transferred is as follows:
Certificate: 291 as modified by Special Order Volume 1, Page 290 (Transfer K-3), in the name of G.W. MACFARLANE (confirmed by Squaw Creek decree)
Use: IRRIGATION of 67 ACRES
Priority Date: 1880

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Rate: 1.380 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	NW SW	13.0
15 S	10 E	WM	10	SW SW	24.5
15 S	10 E	WM	10	SE SW	18.5
15 S	10 E	WM	10	NW SE	9.5
15 S	10 E	WM	10	SE SE	1.5
TOTAL					67.0

4. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	NE SW	18.5	704	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NW SW	0.2	705	ROBINSON ROAD RANCH, LLC
15 S	10 E	WM	10	SW SW	8.0	705	ROBINSON ROAD RANCH, LLC
15 S	10 E	WM	10	SE SW	34.1	704	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	SW SE	6.2	704	LAZY Z PARTNERS, LLC
TOTAL					67.0		

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

Certificate: 303 in the name of J H VINCENT (confirmed by Squaw Creek decree)

Use: IRRIGATION of 61 ACRES

Priority Date: 1881

Rate: 1.220 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW NE	6.0
15 S	10 E	WM	10	SE NE	6.5

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	NE SW	39.0
15 S	10 E	WM	10	NW SE	9.5
					61.0

6. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	NE SW	5.3	704	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NW SW	18.8	705	ROBINSON ROAD RANCH, LLC
15 S	10 E	WM	10	SW SW	1.4	705	ROBINSON ROAD RANCH, LLC
15 S	10 E	WM	15	NE NE	8.2	200	LAZY Z PARTNERS, LLC
15 S	10 E	WM	15	NW NE	27.3	200	LAZY Z PARTNERS, LLC
TOTAL					61.0		

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

Certificate: 863 in the name of CARL S WOODS (confirmed by Squaw Creek decree)

Use: IRRIGATION of 40 ACRES

Priority Date: 1895

Rate: 0.800 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW NE	10.0
15 S	10 E	WM	10	SE NE	15.0
15 S	10 E	WM	10	NW SE	15.0
TOTAL					40.0

8. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SW NE	11.3	706	HAWK'S HAVEN RESERVE, LLC
15 S	10 E	WM	10	SW NW	7.7	706	HAWK'S HAVEN RESERVE, LLC
15 S	10 E	WM	10	SE NW	21.0	706	HAWK'S HAVEN RESERVE LLC
TOTAL					40.0		

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

Certificate: 982 as modified by Special Order Volume 1, Page 290 (Transfer K-3), in the name of MATT KULESCH (confirmed by Squaw Creek decree)

Use: IRRIGATION of 72 ACRES

Priority Date: 1908

Rate: 1.440 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	NW SW	27.0
15 S	10 E	WM	10	SW SW	15.5
15 S	10 E	WM	10	SE SW	21.5
15 S	10 E	WM	10	SW SE	8.0
TOTAL					72.0

10. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SW NW	1.8	800	WILLITTS, LLC
15 S	10 E	WM	10	NW SW	3.2	800	WILLITTS, LLC
15 S	10 E	WM	10	NE SE	17.4	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	SW SE	0.5	700	HORSE HEAVEN RANCH, LLC
15 S	10 E	WM	10	SE SE	9.4	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	11	SW NW	1.4	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	SE NW	19.1	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	NE SW	3.2	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	NW SW	9.2	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	SW SW	6.8	1300	CHERRY HILLS ACRES, LLC
TOTAL					72.0		

11. The portion of the fifth water right to be transferred is:

Certificate: 45033 in the name of LLOYD F. BROGAN (perfected under Permit G-3095)

Use: SUPPLEMENTAL IRRIGATION of 25.80 ACRES

Priority Date: MAY 13, 1966

Rate: 0.323 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: WELL # 1 IN THE SQUAW CR BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	10	SW SE	1290 FT NORTH & 20 FT EAST FROM SOUTH 1/4 CORNER, SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SE SW	20.8
15 S	10 E	WM	10	SW SE	5.0
TOTAL					25.8

12. Application T-8902 proposed to change the place of use of 7.5 acres of the rights in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 to:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SWSE	7.5

13. Application T-8902 proposes to change the point of appropriation for the remaining 18.30 acres approximately $\frac{1}{2}$ mile from the current location to three points of appropriation at.

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	9	SE NE	Well # 4 - 40 FEET N AND 80 FEET W FROM E $\frac{1}{4}$ CORNER OF SECTION 9
15 S	10 E	WM	10	SW NW	Well #3 - 180 FEET N AND 230 FEET E FROM W1/4 CORNER OF SECTION 10
15 S	10 E	WM	14	NW NW	Well # 2 - 290 FEET S AND 140 FEET E FROM NW CORNER SECTION 14

14. Application T-8902 also proposes to change the place of use for the remaining 18.30 acres of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
15 S	10 E	WM	10	SW NW	1.8	3 & 4
15 S	10 E	WM	10	NW SW	3.2	3 & 4
15 S	10 E	WM	10	NE SE	0.3	#2
15 S	10 E	WM	11	NW SW	7.5	#2
15 S	10 E	WM	11	SW SW	5.5	#2
TOTAL					18.3	

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

Certificate: 2056 in the name of CARL S WOODS

Use: IRRIGATION of 29.4 ACRES

Priority Date: OCTOBER 7, 1912

Rate: 0.370 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW NE	19.4
15 S	10 E	WM	10	SE NE	10.0
TOTAL					29.4

16. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SE NE	10.6	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NE SE	4.5	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	SE SE	8.3	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	11	NE SW	6.0	1300	CHERRY HILLS ACRES, LLC
TOTAL					29.4		

17. On June 8, 2005, a signed affidavit to cancel the following water right was received from DAVID HERMAN. The cancellation included that portion of Certificate 2056 (located south of Highway 126); the water right exceeded the acreage:

Certificate: 2056 in the name of CARL S WOODS

Use: IRRIGATION of 7.30 ACRES

Priority Date: OCTOBER 7, 1912

Rate: 0.090 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW NE	7.3

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

Certificate: 24028 in the name of LYLE E/HELEN R CARTER (confirmed by Squaw Creek decree)

Use: IRRIGATION of 2.50 ACRES

Priority Date: 1880

Rate: 0.080 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15	10	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW NW	2.5

19. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	NW SE	2.5	700	HORSE HEAVEN RANCH, LLC

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

Certificate: 24167 in the name of ROBERT HYSLOP (confirmed by Squaw Creek decree)

Use: IRRIGATION AND DOMESTIC of 48 ACRES

Priority Date: 1880

Rate: 1.520 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW NW	18.0
15 S	10 E	WM	10	SE NW	30.0
TOTAL					48.0

21. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SW SW	27.4	705	ROBINSON ROAD RANCH, LLC
15 S	10 E	WM	10	SE SW	2.6	704	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	SE SE	3.9	702	LAZY Z

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
							PARTNERS, LLC
15 S	10 E	WM	15	NE NE	12.6	200	LAZY Z PARTNERS, LLC
15 S	10 E	WM	15	NW NE	1.5	200	LAZY Z PARTNERS, LLC
TOTAL					48.0		

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

Certificate: 24597 in the name of LYLE E/HELEN CARTER (confirmed by Squaw Creek decree)

Use: IRRIGATION of 3 ACRES

Priority Date: 1880

Rate: 0.10 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15S	10E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW NW	3.0

23. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SW SW	3.0	705	ROBINSON ROAD RANCH, LLC

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

Certificate: 81453 in the name of LAZY Z PARTNERS, LLC (confirmed by Squaw Creek decree)

Use: IRRIGATION of 30 ACRES

Priority Date: 1886

Rate: 0.600 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	11	NW SW	14.1

Twsp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	11	SW SW	15.9
TOTAL					30

25. Application T-8900 proposes to change the place of use of the right to:

Twsp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SW NW	14.3	706	HAWK'S HAVEN RESERVE, LLC
15 S	10 E	WM	10	SE NW	7.1	706	HAWK'S HAVEN RESERVE, LLC
15 S	10 E	WM	10	NE SW	1.1	706	HAWK'S HAVEN RESERVE, LLC
15 S	10 E	WM	10	NW SW	0.5	706	HAWK'S HAVEN RESERVE, LLC
15 S	10 E	WM	15	NW NE	7.0	200	LAZY Z PARTNERS, LLC
TOTAL					30.0		

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

Certificate: 74135 in the name of SQUAW CREEK IRRIGATION DISTRICT (confirmed by Squaw Creek decree)

Use: IRRIGATION OF 166.20 ACRES

Priority Date: 1903 (ONLY)

Rate: 3.32 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twsp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	998 FEET NORTH & 1211 FEET EAST FROM SW CORNER, SECTION 21

Authorized Place of Use:

Twsp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	11	NE NE	7.0
15 S	10 E	WM	11	SE NE	11.0
15 S	10 E	WM	11	NE SE	23.0
15 S	10 E	WM	11	NW SE	22.0
15 S	10 E	WM	11	SW SE	0.3
15 S	10 E	WM	11	SE SE	13.1
15 S	10 E	WM	14	NE NE	34.2
15 S	10 E	WM	14	NW NE	10.9
15 S	10 E	WM	14	SW NE	28.5
15 S	10 E	WM	14	SE NE	16.2
					166.2

27. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SW NE	19.1	700	HORSE HEAVEN RANCH, LLC
15 S	10 E	WM	10	SE NE	0.3	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	SE NW	2.9	700	H LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NE SW	0.8	700	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NE SE	8.9	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NW SE	23.4	700	HORSE HEAVEN RANCH, LLC
15 S	10 E	WM	10	SW SE	0.6	700	HORSE HEAVEN RANCH, LLC
15 S	10 E	WM	11	SW NW	3.3	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	NE SW	5.4	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	NW SW	24.0	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	SW SW	20.5	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	11	SE SW	5.8	1300	CHERRY HILLS ACRES, LLC
15 S	10 E	WM	14	NE NW	4.4	1900	MURRAY GRAY, LLC
15 S	10 E	WM	14	NW NW	12.1	1900	MURRAY GRAY, LLC
15 S	10 E	WM	14	SW NW	25.5	1900	MURRAY GRAY, LLC
15 S	10 E	WM	14	SE NW	9.2	1900	CHERRY HILLS ACRES, LLC
TOTAL					166.2		

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

Certificate: 81454 in the name of LAZY Z PARTNERS, LLC (confirmed by Squaw Creek decree).

Use: IRRIGATION of 58.7 ACRES

Priority Date: 1900

Rate: 1.174 CUBIC FEET PER SECOND

Source: SQUAW CR, tributary to DESCHUTES R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	21	SW SW	600 FEET NORTH & 1100 EAST FROM THE SW CORNER, SECTION 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	15	NE NE	21.7
15 S	10 E	WM	15	NW NE	37.0
TOTAL					58.7

29. Application T-8900 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres	Taxlot	Owner Name
15 S	10 E	WM	10	SW NE	1.0	700	HORSE HEAVEN RANCH, LLC
15 S	10 E	WM	10	SE NE	6.2	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	SE NW	0.1	700	HORSE HEAVEN RANCH, LLC
15 S	10 E	WM	10	NE SW	7.9	704	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NE SE	7.7	702	LAZY Z PARTNERS, LLC
15 S	10 E	WM	10	NW SE	1.7	700	HORSE HEAVEN RANCH, LLC
15 S	10 E	WM	14	NE NE	2.2	1700	SKI POND RANCH, LLC
15 S	10 E	WM	14	NW NE	5.2	1700	SKI POND RANCH, LLC
15 S	10 E	WM	14	SW NE	24.2	1700	SKI POND RANCH, LLC
15 S	10 W	WM	14	SE SE	2.5	1700	SKI POND RANCH, LLC
TOTAL					58.7		

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

Certificate: 57156 in the name of LLOYD F BROGAN (perfected under Permit G-8148)

Use: IRRIGATION, SUPPLEMENTAL IRRIGATION of 3.90 ACRES and 3ACRES respectively.

Priority Date: NOVEMBER 25, 1977

Rate: 0.09 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH, cfs per acre, not to exceed 3 FOR IRRIGATION, 3 FOR SUPPLEMENTAL IRRIGATION acre-feet per acre per year

Source: WELL # 1 IN THE SQUAW CR BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	10	SW SE	1290 FEET NORTH & 20 FEET EAST FROM S1/4 CORNER OF SECTION 10

Authorized Place of Use (Primary Rights):

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	NW SE	1.2

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SE SE	2.7
TOTAL					3.9

Authorized Place of Use (Supplemental Rights):

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SW SE	3.0

31. Application T-8902 proposes to move the authorized point of appropriation of the primary water right less than a ¼ mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	10	NW SE	1870 FEET NORTH & 320 FEET EAST FROM S1/4 CORNER OF SECTION 10

32. Application T-8902 proposes to move the authorized point of appropriation of the supplemental water right approximately ¾ of a mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	14	NW NW	290 FEET S AND 140 FEET E FROM NW CORNER SECTION 14

33. Application T-8900 also proposes to change the place of use of the primary water right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	NE SW	1.0
15 S	10 E	WM	10	NW SE	2.9
TOTAL					3.9

34. Application T-8902 also proposes to change the place of use of the supplemental water right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	11	NW SW	1.7
15 S	10 E	WM	11	SW SW	1.3
TOTAL					3.0

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

Certificate: 57115 in the name of L F BROGAN (perfected under Permit G-4841)

Use: IRRIGATION of 36.4 and SUPPLEMENTAL IRRIGATION of 97.4 ACRES

Priority Date: IRRIGATION: AUGUST 25, 1970

Rate: 1.386 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year for IRRIGATION and SUPPLEMENTAL IRRIGATION.

Source: WELL # 2 IN THE SQUAW CR BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	14	NW NW	290 FEET SOUTH & 140 FEET EAST FROM NW CORNER OF SECTION 14

Authorized Place of Use (Primary Rights):

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	NE SE	11.1
15 S	10 E	WM	10	SW SE	0.3
15 S	10 E	WM	10	SE SE	20.7
15 S	10 E	WM	11	SW SW	4.3
TOTAL					36.4

Authorized Place of Use (Supplemental Rights):

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	10	SE SE	1.5
15 S	10 E	WM	11	NW SW	14.1
15 S	10 E	WM	11	SW SW	15.9
15 S	10 E	WM	14	NW NW	7.2
15 S	10 E	WM	15	NE NE	21.7
15 S	10 E	WM	15	NW NE	37.0
TOTAL					97.4

36. Certificate 57115 was cancelled by Special Order Volume 55, Page 252 under which a portion of the water right was transferred (T-8601); however, a remaining right certificate was not issued. The water rights proposed for transfer under T-8900 were not affected by T-8601.

37. Application T-8902 proposes to move the following points of appropriation and places of use.

Proposed Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
15 S	10 E	WM	10	NW SE	Well #5 - 1870 FT N AND 320 FT E FROM S1/4 CORNER SECTION 10
15 S	10 E	MD M	10	SW SE	Well #1 - 1290FT N AND 20FT EAST FROM S1/4 CORNER SECTION 10
15 S	10 E	WM	14	NW NW	Well #2 - 290 FEET SOUTH & 140 FEET EAST FROM NW CORNER OF SECTION 14
15 S	10 E	WM	25	NW SE	Greer Well - 1500 FEET N AND 1000 FEET EAST FROM S 1/4 CORNER SECTION 25

Proposed Place of Use (Primary Rights):

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
15 S	10 E	WM	11	NW SW	6.1	#2
15 S	10 E	WM	25	NW SE	1.0	Greer
15 S	11 E	WM	11	SW SW	6.0	#2
15 S	11 E	WM	14	NW NW	7.2	#2
15 S	11 E	WM	15	NE NE	1.3	#2

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
15 S	11 E	WM	15	SE NE	14.8	#2
TOTAL					36.4	

Proposed Place of Use (Supplemental Rights):

Twp	Rng	Mer	Sec	Q-Q	Acres	Well
15 S	10 E	WM	10	SW NE	1.0	#2
15 S	10 E	WM	10	SE NE	6.2	#2
15 S	10 E	WM	10	NE SE	7.7	#2
15 S	10 E	WM	10	SE NW	0.1	#5
15 S	10 E	WM	10	NE SW	1.8	#1
15 S	10 E	WM	10	NE SW	7.9	#5
15 S	10 E	WM	10	SE SW	11.6	#1
15 S	10 E	WM	10	NW SE	0.1	#5
15 S	10 E	WM	10	NW SE	2.5	#1
15 S	10 E	WM	10	NW SE	1.6	#2
15 S	10 E	WM	10	SW SE	0.5	#1
15 S	10 E	WM	10	SE SE	1.0	#1
15 S	10 E	WM	14	NE NE	0.8	#2
15 S	10 E	WM	14	NE NE	2.2	#2
15 S	10 E	WM	14	NW NE	5.2	#2
15 S	10 E	WM	14	SW NE	24.2	#2
15 S	10 E	WM	14	SE NE	2.5	#2
15 S	10 E	WM	14	SE NE	6.4	#2
15 S	10 E	WM	15	NE NE	12.6	#2
15 S	10 E	WM	15	NW NE	1.5	#2
TOTAL					97.4	

38. 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.
39. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing primary rights are present.
40. The proposed change would not result in enlargement of the right.
41. The proposed change would not result in injury.

Conclusions of Law

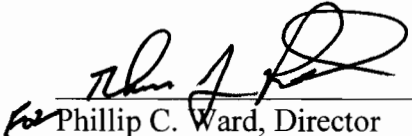
The changes in place of use and point of appropriation proposed in applications T-8900 and T-8902 are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use and point of appropriation proposed in applications T-8900 and T-8902 are approved.

2. Water right certificates 291 as modified by Special Order Volume 1, Page 290 (Transfer K-3), 303, 863, 982 as modified by Special Order Volume 1, Page 290 (Transfer K-3), 2056, 24028, 24167, 24597, 81453, 74135, 81454, 45033, 57156, and 57115 are cancelled. New certificates will be issued describing the portion of the rights 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 in T-8900 and T-8902 and is subject to all other conditions and limitations contained in Certificates 291 as modified by Special Order Volume 1, Page 290 (Transfer K-3), 303, 863, 982 as modified by Special Order Volume 1, Page 290 (Transfer K-3), 2056, 24028, 24167, 24597, 81453, 74135, 81454, 45033, 57156, and 57115 and any related decree.
4. The proposed change 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 responsible owners by October 1, 2007.
6. The quantity of water diverted from the additional and new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
7. The former place of use shall no longer be irrigated as part of this water right.
8. When required by the Department, the water user shall install and maintain an in-line flow meter, or other suitable device(s) 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.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 12th day of October, 2005.


For Phillip C. Ward, Director

Mailing date: OCT 13 2005