

4. The portion of the right to be transferred under Certificate 79484 is as follows:

Certificate: 79484 in the name of Roger and Cynthia Grossmann (perfected under Permit G-12950)
Use: Irrigation
Priority Date: April 18, 1995
Quantity: 0.11 cfs (26.4 acre-feet per year)
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre per year
Acres: 8.8
Source: Well No. 2 in the Deep Canyon Creek Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
14	S	12	E	W.M.	19	NW SW	2380' N and 4420' W from the SE corner of Section 19

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
14	S	12	E	W.M.	19	SE NE	1.1
14	S	12	E	W.M.	19	SE SW	2.1
14	S	12	E	W.M.	19	NE SE	1.9
14	S	12	E	W.M.	19	NW SE	2.0
14	S	12	E	W.M.	19	SW SE	1.0
14	S	12	E	W.M.	30	NE NW	0.7

5. The portion of the right to be transferred under Certificate 64020 is as follows:

Certificate: 64020 in the name of Dan H. Heierman (perfected under Permit G-9342)
Use: Irrigation
Priority Date: April 30, 1981
Quantity: 0.004 cfs (0.96 acre-feet per year)
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre per year
Acres: 0.32
Source: Well No. 1 in the Deschutes River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
14	S	12	E	W.M.	27	SE SW	1280' N and 2620' E from the SW corner of Section 27

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
14	S	12	E	W.M.	27	NE SW	0.17

Township		Range		Meridian	Sec	¼ ¼	Acres
14	S	12	E	W.M.	27	SE SW	0.15

6. Application T-9818, as amended on March 10, 2005, proposes to move the authorized point of appropriation for the transferred lands described under Certificate 79484 approximately 3 miles from the existing point of appropriation in the Deep Canyon Creek basin to:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
14	S	12	E	W.M.	27	SE SW	1280' N and 2620' E from the SW corner of Section 27

7. Application T-9818, as amended by the Transfer Map received by WRD on March 2, 2005, proposes to change the place of use of the portion of the right described under certificates 79484 and 64020 to:

Township		Range		Meridian	Sec	¼ ¼
14	S	12	E	W.M.	27	SW NE
14	S	12	E	W.M.	27	SE NW
14	S	12	E	W.M.	27	NE SW
14	S	12	E	W.M.	27	NW SE

8. Application T-9818, as amended on March 10, 2005, proposes to change the character of use of the transferred rights described under certificates 64020 and 79484 to Pond Maintenance in a Reservoir for Multi-Purpose Uses including irrigation, recreation, aquatic, and animal habitat.
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.
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 rights is present.
12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other water rights.

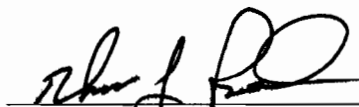
Conclusions of Law

The changes in point of appropriation, place of use, and character of use proposed in application T-9818 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 changes in point of appropriation/place of use/character of use proposed in application T-9818 are approved.
2. Water right certificates 79484 and 64020 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
3. The right to 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 79484 and 64020 and any related decree, with the exception that pond maintenance is not limited to the irrigation season, provided the annual quantity of water allowed under the rights (27.36 acre-feet) is not exceeded.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation under Certificate 79484.
5. The proposed change shall be completed on or before October 1, 2006.
6. 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.
7. The quantity of water diverted at the new point 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.
8. The former place of use of the transferred water shall no longer be irrigated as part of these water rights.
9. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device 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.
10. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 11th day of July, 2005.


Phillip C. Ward, Director

Mailing date: JUL 13 2005