

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	33	NE SE	60	10.5
4 S	3 W	WM	33	NW SE	60	7.2
4 S	3 W	WM	33	SW SE	60	13.4
4 S	3 W	WM	33	SE SE	60	18.9

- Application T-9860 proposes to move the authorized point of diversion approximately 1400 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
5 S	3 W	WM	3	SW NE	52	940 FEET NORTH AND 2100 FEET WEST FROM THE EASTERLY SE CORNER OF DLC 52. (GPS COORDINATES – 45°10.060’N AND 123°02.333’W)

- As initially submitted, the transfer application did not adequately describe the proposed point of diversion.
- On July 12, 2006, the applicants submitted additional information adequately describing the proposed point of diversion.
- On March 15, 2005, 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.
- On August 2, 2006, the Department issued a preliminary determination proposing to approve Transfer T-9860 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department’s weekly notice on August 8, 2006, and in the News-Register on August 17, 24, and 31, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
- Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

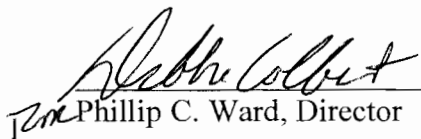
Conclusion of Law

The change in point of diversion proposed in application T-9860 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in application T-9860 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 31320 and any related decree.
3. Water Right Certificate 31320 is cancelled.
4. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. 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 proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
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. 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.
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 13th day of October 2006.


Phillip C. Ward, Director

Mailing Date: OCT 16 2006