



**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the MURPHY CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	21	SE NE	99	3.75 CHAINS NORTH AND 16.25 CHAINS WEST FROM THE SE CORNER OF DLC 99

**Authorized Place of Use:**

IRRIGATION AND SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	15	SW SE	83	3.0
4 S	2 W	WM	22	NW NE	83	16.0
4 S	2 W	WM	22	SW NE	83	1.1
4 S	2 W	WM	22	NE NW	83	3.8
4 S	2 W	WM	22	NW NW	83	2.4
4 S	2 W	WM	22	SW NW	83	6.2
4 S	2 W	WM	22	SE NW	83	24.4

3. Transfer Application T-11262 proposes to move the authorized point of appropriation between approximately 5100 and 5550 feet east from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	22	NW NE	83	WELL A - 610 FEET NORTH AND 1520 FEET EAST FROM THE SE CORNER OF DLC 92
4 S	2 W	WM	22	NE NE	83	WELL B - 300 FEET NORTH AND 2055 FEET EAST FROM THE SE CORNER OF DLC 92
4 S	2 W	WM	22	SW NE	83	WELL C - 265 FEET SOUTH AND 1760 FEET EAST FROM THE SE CORNER OF DLC 92
4 S	2 W	WM	22	NW NE	83	WELL D - 535 FEET NORTH AND 1520 FEET EAST FROM THE SE CORNER OF DLC 92

4. Notice of the application for transfer was published on June 14, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On March 14, 2012, the Department mailed a copy of a draft order proposing to approve Transfer Application T-11262 to the applicant.

This is a final order in other than a 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 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.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

6. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current points of appropriation for the water right in question, as described in Finding No. 3, have been in use for more than 10 years.
7. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current points of appropriation, prior to the transfer request.
8. Pursuant to OAR 690-380-2120(3), the Department provided the applicant a list of the affected water rights and a copy of the notice to be provided to each affected water right holder. The applicant has provided written proof of service of notice of the proposed transfer on all affected water right holders.
9. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The proposed change in point of appropriation to reflect historical use in Transfer Application T-11262 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 proposed in T-11262 is approved and effective immediately.
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 32579 and any related decree.
3. Water right certificate 32579 is cancelled. Certificate 87457 will be issued to describe the change in point appropriation for the portion of the right included in T-11262. Certificate 87456 shall be issued to describe the portion of Certificate 32579 not modified by this order. Certificate 87456, together with Certificate 87457, shall supersede Certificate 32579.
4. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Water use measurement conditions:
  - a. Prior to October 1, 2014, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Dated at Salem, Oregon this 26 day of April, 2012.

  
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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 30 2012