

each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	9	SW NW	6.2
4 N	30 E	WM	9	NW SW	2.4
4 N	30 E	WM	15	SW NE	3.4
4 N	30 E	WM	15	SE NW	2.8
4 N	30 E	WM	15	NE SW	4.0
4 N	30 E	WM	15	NW SW	2.6
4 N	30 E	WM	15	SW SW	6.5
4 N	30 E	WM	15	SE SW	5.5
4 N	30 E	WM	15	NW SE	3.4
4 N	30 E	WM	15	SW SE	3.0
4 N	30 E	WM	15	SE SE	0.1
4 N	30 E	WM	21	NE NE	2.4
4 N	30 E	WM	21	SE NE	0.3
4 N	30 E	WM	21	SW NW	7.8
4 N	30 E	WM	21	NW SW	2.8
4 N	30 E	WM	21	SW SW	11.4
4 N	30 E	WM	21	SE SE	2.0
4 N	30 E	WM	22	NW NW	2.8
4 N	30 E	WM	22	NW SW	6.5
4 N	30 E	WM	22	SW SW	16.2
4 N	30 E	WM	22	SE SW	0.9

4. Transfer Application T-11170 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	10	NE SE	33.2
4 N	30 E	WM	10	NW SE	19.4
4 N	30 E	WM	10	SW SE	6.6
4 N	30 E	WM	10	SE SE	33.8

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

Certificate: 86127 in the name of STANFIELD HUTTERIAN FARM (perfected under Permit S-37121)

Use: IRRIGATION of 42.1 ACRES

Priority Date: OCTOBER 3, 1973, DECEMBER 11, 1973

Rate: 0.7 CUBIC FOOT PER SECOND, being 0.55 cfs for October 3, 1973, and 0.15 cfs for December 11, 1973

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	4	SE NW	5.2
4 N	30 E	WM	4	NE SW	3.1
4 N	30 E	WM	17	SW SW	1.5
4 N	30 E	WM	17	SE SW	2.8
4 N	30 E	WM	17	SW SE	8.6
4 N	30 E	WM	18	NE SE	1.9
4 N	30 E	WM	18	NW SE	15.9
4 N	30 E	WM	18	SW SE	1.9
4 N	30 E	WM	18	SE SE	0.6
4 N	30 E	WM	20	NW NE	0.6

6. Transfer Application T-11170 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	10	NW SE	7.8
4 N	30 E	WM	17	NE NE	7.0
4 N	30 E	WM	17	NE SE	18.6
4 N	30 E	WM	17	NW SE	6.2
4 N	30 E	WM	17	SW SE	0.4
4 N	30 E	WM	17	SE SE	2.1

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

Certificate: 86214 in the name of HALE FARMS, LLC (perfected under Permit S-37121)

Use: IRRIGATION of 54.6 ACRES

Priority Date: OCTOBER 3, 1973 plus one minute; DECEMBER 11, 1973 plus one minute

Rate: 0.59 CUBIC FOOT PER SECOND being 0.47 cfs for October 3, 1973 plus one minute and 0.12 cfs for December 11, 1973 plus one minute

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	7	NE NE	10.5
3 N	30 E	WM	7	NW NE	13.9
3 N	30 E	WM	7	SW NE	10.2
3 N	30 E	WM	7	SE NE	15.5
3 N	30 E	WM	7	NE SE	1.3
3 N	30 E	WM	7	NW SE	3.2

8. Transfer Application T-11170 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	10	NW SE	9.7
4 N	30 E	WM	10	SW SE	30.9
4 N	30 E	WM	5	SE SW	5.6
4 N	30 E	WM	5	SW SE	2.9
4 N	30 E	WM	8	NW NE	1.9
4 N	30 E	WM	8	NE NW	3.6

9. Notice of the application for transfer was published on December 28, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
10. On March 9, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11170 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 8, 2011, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
11. On April 14, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11170 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 April 19, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

12. On May 24, 2011, the Department issued a Final Order for the transfer, recorded at Special Order Volume 84, Pages 287 to 292. Shortly following issuance of the order the Department recognized a scrivener's error in the number of one of the certificates being cancelled.
13. This order is issued to correct the scrivener's error and to supersede the previous order recorded at Special Order Volume 84, Pages 287 to 292.

Transfer Review Criteria [OAR 690-380-4010(2)]

14. Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. Aerial photographs of the lands to which the right is appurtenant suggest that there has been an extended period of time during which the right was not exercised. However, the information in the record is not sufficient to initiate cancellation proceedings under ORS 540.631.
15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11170.
16. The proposed changes would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights.

Conclusions of Law

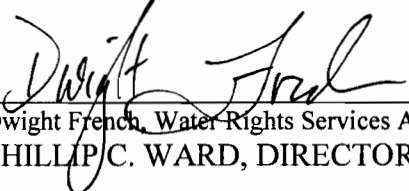
The change in place of use proposed in Transfer Application T-11170 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the scrivener's error in Special Order Volume 84, Pages 287 to 292 should be corrected in the record.

Now, therefore, it is ORDERED:

1. The order entered at Special Order Volume 84, Pages 287 to 292 is withdrawn and of no further force and effect and is superseded by this order.
2. The change in place of use proposed in Transfer Application T-11170 is approved.
3. 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 Certificates 80911, 86127, and 86214 and any related decree.
4. Water right certificates 80911, 86127, and 86214 are cancelled. New certificates will be issued describing the portions of the rights not affected by this transfer.
5. The former place of use of the transferred rights shall no longer receive water under the rights.

6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Right 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.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 1 day of June, 2011.



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

Mailing date: JUN 03 2011