

exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: A WELL a tributary of the Willamette River

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	5	NE NE	40	1060 FEET SOUTH AND 930 FEET WEST FROM NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	5	NW NE	40	7.2
4 S	1 W	WM	5	SW NE	40	11.8
4 S	1 W	WM	5	NE NW	40	14.8
4 S	1 W	WM	5	SE NW	40	9.3
Total:						43.1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	5	NE NE	40	11.6
4 S	1 W	WM	5	NW NE	40	30.7
4 S	1 W	WM	5	SW NE	40	17.9
4 S	1 W	WM	5	SE NE	40	11.1
Total:						71.3

- Transfer Application T-12584 proposes to change the point of appropriation southeast approximately 100 feet to reflect historical use for the above described lands to a well located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	5	NE NE	40	1040 FEET SOUTH AND 190 FEET EAST FROM THE NE CORNER OF GOVERNMENT LOT 1 IN SECTION 5

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

- Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of appropriation for the water right in question, as described in Finding No. 5, has been in use for more than 10 years.
- 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 point of appropriation, prior to the transfer request.
- The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).

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 are 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-12584 is consistent with the requirements of ORS 540.532 and OAR 690-380-2120.

Now, therefore, it is ORDERED:

1. The change proposed in T-12584 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 55137 and any related decree.
3. Water right certificate 55137 is cancelled. Certificate 94074 will be issued to describe the change in point of appropriation for the right included in T-12584. Certificate 94074 shall supersede Certificate 55137.
4. The quantity of water diverted at the new point appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

Dated at Salem, Oregon this DEC 11 2018,



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: DEC 12 2018