

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

Certificate: 81614 in the name of WAYNE AND CONNIE MITCHELL AND RAYMOND L. CURRY (confirmed by Permit G-10670)
Use: SUPPLEMENTAL IRRIGATION of 3.5 ACRES
Priority Date: SEPTEMBER 25, 1986
Rate: 0.04 CUBIC FOOT PER SECOND
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-EIGHTIETH 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, 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, in the DESCHUTES RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	11 E	WM	30	SW SW	4	290 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	11 E	WM	30	SW SW	4	3.50

4. Transfer Application T-10927 proposes to change the character of use to primary irrigation.

5. Transfer Application T-10927 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
15 S	11 E	WM	30	NW SW	3	1.14
15 S	11 E	WM	30	SW SW	4	2.36

6. Transfer Application T-10927 proposes an additional point of appropriation approximately 940 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	11 E	WM	30	SW SW	4	1227 FEET NORTH AND 372 FEET EAST FROM THE SW CORNER OF SECTION 30

7. Notice of the application for transfer was published on July 21, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

8. On February 26, 2010, George Anderson submitted documentation establishing the quantity of water historically used under the supplemental water right. The evidence establishes that

full measure of the right has been historically used for supplemental irrigation, as water from the primary surface water source was not available.

9. The amount of water used for primary irrigation (0.04 cfs), together with the amount secured under any other right existing for the same lands, should be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and should be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated (total of 10.4 acre-feet) during the irrigation season of each year.
10. On March 4, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10927 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 7, 2010, 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 he applicant is authorized to pursue the transfer.
11. On April 9, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10927 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 13, 2010, and in The Bulletin newspaper on April 21 and 28, 2010, and May 5, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

12. Water has been used within the last five years prior to the submittal of Transfer Application T-10927 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10927.
14. As conditioned in Findings of Fact No. 9, the proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.

Partial Cancellation of Water Rights

16. On June 30, 2009, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from George Anderson. Three Sisters Irrigation District, formerly Squaw Creek Irrigation District approved the cancellation by letter dated June 23, 2009. The right to be cancelled is as follows:

Certificate: 79496 in the name of SQUAW CREEK IRRIGATION DISTRICT
(confirmed by Squaw Creek [Whychus Creek] decree)
Use: IRRIGATION OF 3.5 ACRES

Priority Date: SEPTEMBER 30, 1902
Rate: 0.07 CUBIC FOOT PER SECOND
Source: WHYCHUS CREEK, tributary to the DESCHUTES RIVER
Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	29	SW SE	850 FEET NORTH AND 2550 FEET WEST FROM THE SE CORNER OF SECTION 29

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	11 E	WM	30	SW SW	3.50

17. On February 26, 2010, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from George Anderson. The right to be cancelled is as follows:

Certificate: 81614 in the name of WAYNE AND CONNIE MITCHELL AND RAYMOND L. CURRY (perfected under Permit G-10670)
Use: SUPPLEMENTAL IRRIGATION of 1.14 ACRES
Priority Date: SEPTEMBER 25, 1986
Rate: 0.01 CUBIC FOOT PER SECOND
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-EIGHTIETH 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, 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 in the DESCHUTES RIVER BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	11 E	WM	30	SW SW	4	290 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 30

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	11 E	WM	30	NW SW	1.14

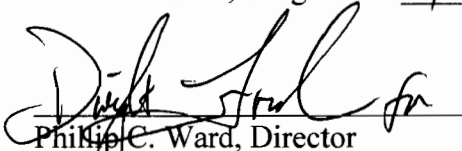
Conclusions of Law

The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-10927 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned rights should be cancelled.

Now, therefore, it is ORDERED:

1. The additional point of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-10927 are approved. The portions of the rights that have been abandoned are cancelled.
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 81406 and any related decree.
3. Water right certificate 81406 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.
4. Water right Certificate 79496 is modified as set forth in Finding of Fact No. 14. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation, when the Department deems it necessary for further processing.
5. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
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. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. The amount of water used for primary irrigation (0.04 cfs), together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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 (total of 10.4 acre-feet) during the irrigation season of each year.
10. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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 change and full beneficial use of the water.
11. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 7 day of June 2010.


Philip C. Ward, Director

Mailing Date: JUN 08 2010