

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
15 S	11 E	WM	19	SW SW	4	1200 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 19

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	11 E	WM	30	NE NE	2.0

4. Application T-10806 proposes to move the authorized point of appropriation approximately 1.35 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	10 E	WM	26	NE NE	326 FEET SOUTH AND 299 FEET WEST FROM THE NE CORNER OF SECTION 26

5. Application T-10 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	10 E	WM	26	NE NE	2.0

6. The receiving landowners are A. Michael Gould and Arthea J. Carr-Gould, and they will be responsible for completing the changes if a final order is issued approving the transfer.
7. The transfer application is being processed concurrently with transfer applications T-10502, T-10503 and T-10791, which all propose changes to Certificate 61097.
8. Notice of the application for transfer was published on March 17, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. The application originally did not include a completed Land Use Information Form signed by the county planning department, and the Supplemental Form A contained a typographical error in the Range designation. On July 28, 2009, the Department mailed a letter to the applicant and agent, requesting resolution of this error and deficiency. The requested materials were received August 3, 2009.
10. On September 16, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10806 to the applicant, agent and receiving landowner. The cover letter for the draft Preliminary Determination set forth a deadline of October 19, 2009, 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 October 2, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10806 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 October 6, 2009, and in The Bulletin newspaper on October 31, November 7 and 14, 2009, 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 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 was present within the five-year period prior to submittal of Transfer Application T-10806.
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in point of appropriation and change in place of use proposed in Transfer Application T-10806 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and change in place of use proposed in application T-10806 are approved.
2. Water right certificate 61097 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer, or by transfer applications T-10502, T-10503 and T-10791.
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 Certificate 61097 and any related decree.
4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of appropriation.
 - b. The water user shall maintain the meter or measuring device in good working order.

- c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
7. 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 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.
8. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17th day of December 2009.


Phillip C. Ward, Director *PCW*

Mailing date: DEC 22 2009