



**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	28	NE NE	36.3
26 S	15 E	WM	28	NW NE	0.8
26 S	15 E	WM	28	SW NE	1.0
26 S	15 E	WM	28	SE NE	38.4

4. Application T-9813 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	28	NE NE	19.95
26 S	15 E	WM	28	SW NE	25.30
26 S	15 E	WM	28	SE NE	31.25

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

**Certificate:** 47819 in the name of MAURICE L WARD (perfected under Permit G-6522)

**Use:** IRRIGATION of 37.2 ACRES

**Priority Date:** JULY 1, 1975

**Rate:** 0.47 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** McALLISTER WELL NO. 1 in the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	15 E	WM	28	NE NE	1260 FEET SOUTH & 680 FEET WEST FROM NE CORNER OF SECTION 28

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	28	NW NE	18.5
26 S	15 E	WM	28	SW NE	18.7

6. Application T-9813 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	28	NW NE	31.25
26 S	15 E	WM	28	SW NE	5.95

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

**Certificate:** 56540 in the name of MAURICE L WARD AND HAZEL WARD (perfected under Permit G-7840)

**Use:** IRRIGATION of 39.4 ACRES

**Priority Date:** AUGUST 24, 1977

**Rate:** 0.49 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** A WELL in the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	15 E	WM	28	NE NE	1260 FEET SOUTH & 680 FEET WEST FROM NE CORNER, SECTION 28

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	28	NW NE	20.3
26 S	15 E	WM	28	SW NE	19.1

8. Application T-9813 proposes to change the place of use for 0.14 cfs to:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	28	NE NE	11.3

9. Application T-9813 proposes to move the authorized point of appropriation for 0.35 cfs approximately 13 miles east to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	17 E	WM	34	SE NE	1340 FEET SOUTH & 1300 FEET WEST OF NE CORNER, SECTION 34

10. Application T-9813 proposes to change the place of use for that 0.35 cfs to:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	17 E	WM	34	NW NE	19.4
26 S	17 E	WM	34	SW NE	8.7

11. Golden Rule Farms, P.O. Box 255, Christmas Valley, OR 97641 is the receiving landowner for a portion of the transferred right evidenced by Certificate 56540.
12. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
13. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
15. The proposed change would not result in enlargement of the rights.
16. The proposed change would not result in injury to other water rights.
17. Notice of the Preliminary Determination was published in the Department's Weekly Public Notice on March 8, 2006, and in the Lake County Examiner on March 16, 23 and 30, 2006. No protests were received in response to the notice.

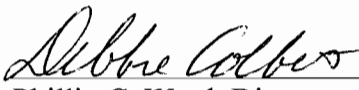
**Conclusions of Law**

The changes in point of appropriation and place of use proposed in application T-9813 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The changes in point of appropriation and place of use proposed in application T-9813 are approved.
2. Water Right Certificates 81482, 47819 and 56540 are cancelled.
3. The right to 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 81482, 47819, 56540, and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. 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.
6. The quantity of water diverted at the new point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available under the rights at the original point of appropriation.
7. The former place of use of the transferred water, if different prior to transfer 9813, shall no longer receive water as part of these rights.
8. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 10<sup>th</sup> day of May 2006.

  
Phillip C. Ward, Director

*FDR*

Mailing date:           MAY 12 2006