

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	N	4	W	W.M	3	NE	SW			13.3
1	N	4	W	W.M.	3	NW	SW			26.5

Certificate: 21970 in the name of Richard Spangler

Use: Supplemental Irrigation

Priority Date: July 20, 1951

Quantity: 3.0 acre feet

Rate/Duty: Not to exceed 2.5 acre-feet per acre in any irrigation season and shall be further limited to a total of not to exceed 3.0 acre feet in any one irrigation season.

Acres: 39.8 acres

Source: Reservoir constructed under Permit R-1232, a tributary of West Dairy Creek.

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
1	N	4	W	W.M.	3	SE	NW			

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	N	4	W	W.M	3	NE	SW			13.3
1	N	4	W	W.M.	3	NW	SW			26.5

3. Application T-8359 proposes to change the place of use of the rights to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	N	4	W	W.M.	4	NE	NE	1		20.8
1	N	4	W	W.M.	4	NW	NE	2		19.0

4. 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.
5. 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.

6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. Application T-8359 is proposing to change the place of use of 39.8 acres to rows of circles 5.20 feet in diameter within a total field area of 70.4 acres. The circles are centered on vines 5.0 feet apart. The vine rows are 7.5 feet apart between the centers of the circles.
8. Application T-8359 proposes to irrigate the 5.20 feet diameter circles using a drip irrigation system.
9. The proposed change, as conditioned, would not result in enlargement of the right.
10. The proposed change, as conditioned, would not result in injury to other water rights.

Conclusions of Law

The proposed change in place of use in application T-8359 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

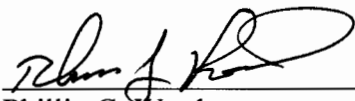
Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-8359 is approved.
2. Water right certificates 22015 and 21970 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
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 22015 and 21970.
4. The proposed change shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. Prior to water use at the proposed place of use, the water user shall install and maintain a totalizing flow meter or other suitable device for measuring and recording the quantity of water diverted. The water user shall maintain the meter or measuring device in good working order. 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.
7. The water user shall submit to the Department a soil moisture monitoring plan. The plan shall include the use of high frequency dielectric probe data (or better soil moisture monitoring technology) at select monitoring sites to provide assurance to the watermaster that water is not moving beyond the boundary of the water right. The water user shall receive approval of the plan before water use may begin.

8. The location and number of soil moisture monitoring sites shall be selected so as to effectively monitor the behavior of the wetted areas located within different slope and/or soil types in the proposed place of use.
9. At each soil moisture monitoring site, the soil moisture measurements shall be made along straight lines with the following description:
 - a). Two lines on opposite sides of the vine with each line perpendicular to the vine row. Measurements shall be made along each line at 16, 26.33, and 36 inch increments away from the base of the vine.
 - b). One line extending outward from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.33, and 36 inch increments away from the base of the vine.
 - c). One line extending inward towards the vine row from the endmost vine parallel with the vine row. Measurements shall be made along the line at 16, 26.33, and 30 inch increments away from the base of the vine.
10. A control soil measurement site shall be selected that receives only natural moisture from the atmosphere, and does not receive direct irrigation water nor irrigation water runoff.
11. Each soil moisture measurement shall be made at depths of 6, 12, 18, 24, 30, and 36 inches below land surface.
12. Soil moisture monitoring and flow data shall be made available to the Watermaster promptly upon request. The water user shall submit an annual report of water use and soil moisture monitoring data to the Watermaster. The monitoring data shall be reported in a reasonable summary format.
13. If water use by the drip irrigation system delivers water to non-irrigated areas outside the designated circles, the Watermaster may regulate the water use until soil moisture and flow data demonstrate that the non-irrigated areas are not receiving irrigation water.
14. After implementation of the soil moisture monitoring plan for a five year period, the water user may request a review the monitoring plan results by the Department. If the Department does not receive such a request, the monitoring plan shall remain in effect.
15. The former place of use shall no longer be irrigated as part of this water right.

16. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 27th day of ~~December~~ 2004.



Phillip C. Ward
Director

Mailing date: DEC 30 2004