

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: ONE WELL within the CHAMPOEG CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	2 W	WM	5	SE NE	2475 FEET SOUTH AND 270 FEET WEST FROM THE NE CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	2 W	WM	4	NE NW	38	5.9
5 S	2 W	WM	4	NW NW	38	12.7
5 S	2 W	WM	4	NW NW	66	0.1
5 S	2 W	WM	4	SW NW	38	33.0
5 S	2 W	WM	4	SE NW	38	4.4
5 S	2 W	WM	4	NE SW	38	0.06
5 S	2 W	WM	5	NE NE	38	13.7
5 S	2 W	WM	5	NE NE	66	1.0
5 S	2 W	WM	5	NW NE	66	0.23
5 S	2 W	WM	5	NW NE	38	2.37
5 S	2 W	WM	5	SW NE	38	6.2
5 S	2 W	WM	5	SE NE	38	36.9
Total						116.56

- Certificate 85817 lists the well as being within the Champeog Creek Basin; however, the well is actually within the West Champeog Creek Basin.
- Transfer Application T-11002 proposes an additional point of appropriation approximately 0.48 mile from the existing point of appropriation, located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	2 W	WM	4	SW NE	2600 FEET SOUTH AND 2300 FEET EAST FROM THE NW CORNER OF SECTION 4

- Notice of the application for transfer was published on January 19, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On August 5, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11002 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 7, 2010, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
- On November 19, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11002 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 23, 2010, and in the Woodburn Independent

newspaper on December 8, 15, and 22, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

Transfer Review Criteria (OAR 690-380-4010)

8. 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. Certificate 85817 was issued on October 2, 2009.
9. 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-11002.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Conclusions of Law


The additional point of appropriation proposed in Transfer Application T-11002 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 additional point of appropriation proposed in Transfer Application T-11002 is approved.
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 85817 and any related decree.
3. Water right certificate 85817 is cancelled.
4. 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.
5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. 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.

8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 26 day of January, 2011.


Dwight French, for
PHILLIP C. WARD, DIRECTOR

Mailing date: JAN 28 2011