

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-9733, Lake County)
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)
)
)

FINAL ORDER APPROVING A
CHANGE IN POINT OF DIVERSION,
PLACE OF USE, REDESCRIPTIONS
OF PLACE OF USE, AND PARTIAL
CANCELLATION OF WATER RIGHTS

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Bagley Ditch Corporation
39650 Clover Flat Road
Paisley, Oregon 97636

Findings of Fact

1. The Bagley Ditch Corporation, for several property owners (listed below with each water right description), filed an application to transfer the point of diversion, under multiple Certificates. The Department assigned the application number T-9733. On August 15, 2005 Dennis Glender, agent for the applicants, amended the application, to move only 0.78 acre of the right under Certificate 3654 to a new place of use. A revised map reflecting the change was submitted September 1, 2005.

2. The first right to be transferred is as follows:

Certificate: 2818 in the name of Chewacan Land and Cattle Company

Use: Irrigation, watering livestock, and domestic

Priority Date: 1885 for irrigation and 1878 for domestic and stock use

Season of Use: January 1 to July 15 for irrigation

September 15 to March 6, further limited as follows:

September 15 to October 15, described as Season 1

October 15 to March 6, described as Season 2

Quantity (Rate): Irrigation (limited to 1/25 cfs per acre)

Duty: Irrigation: Not to exceed 3.9 acre-feet (AF) per acre per year

Stock watering and domestic: Not to exceed 8 cfs in the aggregate during Season 1, and not to exceed 4 cfs in the aggregate in Season 2.

Acres: 143.1

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
33	S	19	E	W.M.	32	NE SW 7 13.0
33	S	19	E	W.M.	32	NW SW 4 7.0
33	S	19	E	W.M.	32	SW SW 6 25.0
33	S	19	E	W.M.	32	SE SW 24.9
33	S	19	E	W.M.	32	NE SE 14.5
33	S	19	E	W.M.	32	NW SE 14.0
33	S	19	E	W.M.	32	SW SE 20.6
33	S	19	E	W.M.	32	SE SE 14.6
33	S	19	E	W.M.	33	NW SW 8.5
33	S	19	E	W.M.	33	SW SW 1.0

3. Certificate 2818 is appurtenant to lands owned as outlined in the following table:

Owner	Address	Current Tax Lot
JR Simplot Company	P.O. Box 27, Boise, ID 83707	33 19-500

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

Certificate: 2870 in the name of Chester L. Withers

Use: Irrigation

Priority Date: June 22, 1917

Season of Use: None stated in certificate

Quantity (Rate): 0.05 cfs

Duty: None stated in certificate

Acres: 4.0

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Acres	
33	S	18	E	W.M.	23	SW SE 4.0

5. Certificate 2870 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Hugh and Arlene Schultz	P.O. Box 77, Paisley, OR 97636	33 18 23D-1402

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

Certificate: 3233 in the name of L. P. Klippel and C. F. Snider
Use: Irrigation
Priority Date: July 11, 1917
Season of Use: None stated in certificate
Quantity (Rate): 0.125 cfs
Duty: None stated in certificate
Acres: 10.0
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼ ¼	Survey Coordinates		
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Acres		
33	S	18	E	W.M.	23	SE SE	6.0
33	S	18	E	W.M.	24	SW SW	4.0

7. Certificate 3233 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Len and Gloria Babb	P.O. Box 29, Paisley, OR 97636	33 18 23D-2500
Len and Gloria Babb	P.O. Box 29, Paisley, OR 97636	33 18 24C-1800

8. The fourth right to be transferred is as follows:

Certificate: 3599 in the name of Mrs. Susie L. Benefiel
Use: Irrigation
Priority Date: 1901
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.75
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼ ¼	Survey Coordinates		
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #100 for discussion):

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	Lot 3 in Block L, South Addition, and Lot 8 in Second South Addition to the Town of Paisley	0.75

9. Certificate 3599 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Edward and Dorothy Murphy	P.O. Box 137, Paisley, OR 97636	33 18 24CD-0200

10. The fifth right to be transferred is as follows:

Certificate: 3604 in the name of H. A. Brattain, P. J. Brattain and Mrs. C. N. Brattain-Small

Use: Irrigation, domestic, and stock use

Priority Date: 1878, as per Decree Vol. 5, p. 52

Season of Use: January 1 to September 30

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 4.8 AF per acre

Acres: 676.0

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
34	S	19	E	W.M.	5	SW NW 2 20.0
34	S	19	E	W.M.	5	NW SW 3 20.0
34	S	19	E	W.M.	5	SW SW 4, 5 20.0
34	S	19	E	W.M.	6	SW NE 18.0
34	S	19	E	W.M.	6	SE NE 40.0
34	S	19	E	W.M.	6	NE SE 39.0
34	S	19	E	W.M.	6	NW SE 3.0
34	S	19	E	W.M.	6	SE SE 33.0
34	S	19	E	W.M.	7	NE NE 30.0
34	S	19	E	W.M.	7	SE NE 17.0
34	S	19	E	W.M.	8	NW NW 1, 10 22.0
34	S	19	E	W.M.	8	SW NW 2 32.0
34	S	19	E	W.M.	8	NE SW 3 23.0
34	S	19	E	W.M.	8	NW SW 25.0
34	S	19	E	W.M.	8	SE SW 11.0

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
34	S	19	E	W.M.	8	NW SE 4 6.0
34	S	19	E	W.M.	8	SW SE 4 38.0
34	S	19	E	W.M.	8	SE SE 5 20.0
34	S	19	E	W.M.	9	SW SW 1 1.0
34	S	19	E	W.M.	16	NW NE 3, 6 40.0
34	S	19	E	W.M.	16	SW NE 3 40.0
34	S	19	E	W.M.	16	NE NW 2, 7 40.0
34	S	19	E	W.M.	16	NW NW 1 40.0
34	S	19	E	W.M.	16	SW NW 16.0
34	S	19	E	W.M.	16	SE NW 31.0
34	S	19	E	W.M.	17	NE NE 37.0
34	S	19	E	W.M.	17	NW NE 12.0
34	S	19	E	W.M.	17	SE NE 2.0

11. Certificate 3604 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
J-Spear Ranch Company	P.O. Box 257, Klamath Falls, OR 97601	34 19-0400

12. The sixth right to be transferred is as follows:

Certificate: 3605 in the name of H. A. Brattain, P. J. Brattain and Mrs. C. N. Brattain-Small

Use: Irrigation, domestic, and stock use

Priority Date: 1881

Season of Use: April 1 to September 15

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre

Acres: 1.4

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼ ¼	Survey Coordinates	
33	S	18	E	W.M.	23	NE SE N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #101 for discussion):

Township	Range	Meridian	Sec	¼ ¼	Acres	
33	S	18	E	W.M.	24	NE SW 1.4

13. Certificate 3605 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Edward and Dorothy Murphy	P.O. Box 137, Paisley, OR 97636	33 18 24CD-400	0.7
Norman and Terry Hiatt	P.O. Box 319, Paisley, OR 97636	33 18 24CD-300	0.7

14. The seventh right to be transferred is as follows:

Certificate: 3622 in the name of Virgil Conn
Use: Irrigation
Priority Date: April, 1900
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.75
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	0.75

15. Certificate 3622 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Dale and Barbara Roberts	P.O. Box 84, Paisley, OR 97636	33 18 24CA-6600

16. The eighth right to be transferred is as follows:

Certificate: 3625 in the name of M. C. Currier
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.60
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #102 for discussion):

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	0.60

17. Certificate 3625 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Edward and Dorothy Murphy	P.O. Box 137, Paisley, OR 97636	33 18 24CD-200

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

Certificate: 3629 in the name of Chesterfield B. Parker and Leland S. Parker
Use: Irrigation, domestic, and stock use
Priority Date: 1878 (Proof 54)
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: 4.8 AF per acre for the following lands: NE¼ NW ¼, and NW¼ NW ¼; T33S, R18E, Section 30
 4.4 AF per acre for the following lands: NW¼ NE ¼, SW¼ NE ¼, and SE¼ NW ¼; T33S, R18E, Section 30
Acres: 183.67
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
33	S	19	E	W.M.	30	NW NE		40.0
33	S	19	E	W.M.	30	SW NE		32.5
33	S	19	E	W.M.	30	NE NW		39.25
33	S	19	E	W.M.	30	NW NW	1	39.73
33	S	19	E	W.M.	30	SE NW		32.19

19. Certificate 3629 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
JL Lands, Inc.	P.O. Box 66, Paisley, OR 97636	33 19-1401	159.07
Jeremiah and Carolyn O'Leary	P.O. Box 66, Paisley, OR 97636	33 19-1400	20.60
Michael J. & Mary F. O'Leary	P.O. Box 209, Paisley, OR 97636	33 19-1403	4.00

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

Certificate: 3630 in the name of John Drumm, Sr.
Use: Irrigation
Priority Date: 1906
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 1.02
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NW SE	1.02

21. Certificate 3630 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Dale and Karilyn Story	P.O. Box 87, Paisley, OR 97636	33 18 24D-500

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

Certificate: 3631 in the name of Mrs. Ola Drumm
Use: Irrigation
Priority Date: 1900
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 1.0
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	1.0

23. Certificate 3631 is appurtenant to lands owned as outlined in the following table:

Owner	Address	Current Tax Lot	Acres
Joseph P. Mitchell	P.O. Box 286, Paisley, OR 97636	33 18 24CA-1400	0.40
Larry Gerking	P.O. Box 88, Paisley, OR 97636	33 18 24CA-1500 & 1501	0.60

24. The twelfth right to be transferred is as follows:

Certificate: 3635 in the name of F. W. Farrow
Use: Irrigation
Priority Date: April 1894
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 2.50
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SW SE	2.50

25. Certificate 3635 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Victor and June Cormie	P.O. Box 250, Paisley, OR 97636	33 18 24D-2100 & 2200

26. The thirteenth right to be transferred is as follows:

Certificate: 3636 in the name of Mary L. Farrow
Use: Irrigation
Priority Date: 1894
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 2.50
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SW SE	2.50

27. Certificate 3636 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Michael Nevill & Julie Naslund	P.O. Box 289, Paisley, OR 97636	33 18 24D-2300

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

Certificate: 3638 in the name of Estate of Martha J. Farrow, deceased
Use: Irrigation, domestic, and stock use under Proof No. 71, and irrigation under Proof No. 70

Priority Date: 1885 under Proof No. 70, and 1901 under Proof No. 71

Season of Use: April 1 to September 15

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre

Acres: 22.27

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Proof No.	Priority	Acres
33	S	18	E	W.M.	24	NE SW	70	1885	0.05
33	S	18	E	W.M.	24	NW SE	70	1885	0.50
							71	1901	12.75
33	S	18	E	W.M.	24	SW SE	71	1901	8.97

29. Certificate 3638 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Dwayne & Collett Broadfoot	P.O. Box 132, Paisley, OR 97636	33 18 24D-600	0.55
School District 11	P.O. Box 97, Paisley, OR 97636	33 18 24D-800	8.22
Gene & CG Vickerman	P.O. Box 35, Paisley, OR 97636	33 18 24D-900	0.72
Thomas & Barbara Hinkle	P.O. Box 131, Paisley, OR 97636	33 18 24D-1000	3.73
Edward & Dorothy Murphy	P.O. Box 137, Paisley, OR 97636	33 18 24D-1100	0.08
U.S. Forest Service	Hwy 31, Paisley, OR 97636	33 18 24D-1200	7.85
John & Paula Merwin	22952 Clover Flat Road, Paisley, OR 97636	33 18 24D-1300	0.35
Alan E. & Laura L. Parks	59234 Ft Rock Rd., Silver Lake, OR 97638	33 18 24D-1600 & 1700	0.77

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

Certificate: 3639 in the name of J. D. Farra
Use: Irrigation
Priority Date: 1900
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.91
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SE SW	0.91

31. Certificate 3639 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Clarence & Katherine Cramer	P.O. Box 125, Paisley, OR 97636	33 18 24CD-500	0.40
John Carlson	P.O. Box 262, Paisley, OR 97636	33 18 24CD-502	0.23
James & Ethelyn Overton	242 South G St., Lakeveiw, OR 97636	33 18 24CD-504	0.17
Terry & Mary Cramer	P.O. Box 251, Paisley, OR 97636	33 18 24CD-505	0.11

32. The sixteenth right to be transferred is as follows:

Certificate: 3641 in the name of Estate of Mary C. Green
Use: Irrigation
Priority Date: 1901
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.75
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Description	Acres
33	S	18	E	W.M.	24	NE SW	Lots 8 & 9, Block F, Second Addition to Paisley and a parcel beginning from the SE Corner, Lot 8, then N 150', E100', S 150', W 100' to point of beginning	0.75

33. Certificate 3641 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Donald J. & Karen R. Penington	22499 McArdle Rd, Bend, OR 97702	33 18 24CA-1600	0.34
Elaine Murphy, et al.	P.O. Box 262, Paisley, OR 97636	33 18 24CA-1700	0.41

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

Certificate: 3642 in the name of S. G. Hadley and Lillian A. Hadley

Use: Irrigation, domestic, and stock use

Priority Date: 1878

Season of Use: April 1 to September 30

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre

Acres: 2.82

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SE SW	0.46
33	S	18	E	W.M.	25	NE NW	2.36

35. Certificate 3642 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
John & Joanne Gaylord	P.O. Box 266, Paisley, OR 97636	33 18 24CD-1500	0.46
John & Joanne Gaylord	P.O. Box 266, Paisley, OR 97636	33 18-1900	2.36

36. The eighteenth right to be transferred is as follows:

Certificate: 3647 in the name of John Hanan

Use: Irrigation, domestic, and stock use

Priority Date: 1888

Season of Use: April 1 to September 15

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre
Acres: 0.2
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #103 for discussion):

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SE SW	0.20

37. Certificate 3647 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
John W. & Paula D. Merwin	22952 Clover Flat Rd., Paisley, OR 97636	33 18 24CD-100

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

Certificate: 3653 in the name of Frances E. Howell
Use: Irrigation
Priority Date: 1889 under Proof No. 88; April 1, 1894 under Proof No. 89
Season of Use: April 1 to September 30 under Proof No. 88; April 1 to September 15 under Proof No. 89
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 5.47
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #104 for discussion):

Township		Range		Meridian	Sec	¼ ¼	Acres	Proof No.
33	S	18	E	W.M.	24	Lots 1, 2, 3 and 4, Miller's Addition to the Town of Paisley	2.87	88
33	S	18	E	W.M.	24	SW SE	2.60	89

39. The portion of Certificate 3653 to be affected by T-9733 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Ronald Schmidt	P.O. Box 925, Christmas Valley, OR 97641	33 18 24D-2001	5.20
Ellen L. Withers	P.O. Box 287, Paisley, OR 97636	33 18 24D-2002	0.27

40. The twentieth right to be transferred is as follows:

Certificate: 3654 in the name of Lester I. Hampton and Frances E. Howell
Use: Irrigation
Priority Date: April 1, 1894
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 4.87
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SW SE	4.84

41. Certificate 3654 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Ellen L. Withers	P.O. Box 287, Paisley, OR 97636	33 18 24D-2000	3.86
Ellen L. Withers	P.O. Box 287, Paisley, OR 97636	33 18 24D-2002	0.23
Ellen L. Withers	P.O. Box 287, Paisley, OR 97636	33 18 24D-2003	0.78

42. The twenty-first right to be transferred is as follows:

Certificate: 3655 in the name of I. O. O. F. No. 177
Use: Irrigation
Priority Date: April 1, 1908
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.50
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	Lots 7 & 8, Miller's Addition to the Town of Paisley (SE SW)	0.50

43. Certificate 3655 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Sharon Fitzgerald	P.O. Box 25, Paisley, OR 97636	33 18 24CD-2301

44. The portion of the twenty-second right to be transferred is as follows:

Certificate: 3656 in the name of Florence Jones
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre: 4.40 cfs
Duty: Not to exceed 4.4 AF per acre: 484.0 AF
Acres: 110.0
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	19	E	W.M.	30	SE SW	15.0
33	S	19	E	W.M.	30	SW SE	15.0
33	S	19	E	W.M.	30	SE SE	40.0
33	S	19	E	W.M.	31	NE NE	40.0

45. The portion of Certificate 3656 to be affected by T-9733 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 19-1800

46. The twenty-third right to be transferred is as follows:

Certificate: 3659 in the name of the Estate of Geo. M. Jones, deceased
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 30
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.8 AF per acre
Acres: 207.0
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres		
33	S	19	E	W.M.	31	NW NE	4.0	
33	S	19	E	W.M.	31	SW NE	4.0	
33	S	19	E	W.M.	31	NE NW	30.0	
33	S	19	E	W.M.	31	SE NW	38.0	
33	S	19	E	W.M.	31	NE SW	35.0	
33	S	19	E	W.M.	31	SE SW	30.0	
33	S	19	E	W.M.	31	NW SE	7.0	
33	S	19	E	W.M.	31	SW SE	18.0	
34	S	19	E	W.M.	6	NW NE	2	37.0
34	S	19	E	W.M.	6	NE NW	3	4.0

47. Certificate 3659 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 19-1800	166.0
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	34 19-300	41.0

48. The twenty-fourth right to be transferred is as follows:

Certificate: 3662 in the name of E. O. Lamb
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.70
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #105 for discussion):

Township	Range	Meridian	Sec	¼ ¼	Acres		
33	S	18	E	W.M.	24	NE SW	0.70

49. Certificate 3662 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
John W. and Paula D. Merwin	22952 Clover Flat Rd., Paisley, OR 97636	33 18 24CD-100	0.40
Ronald Forga	P.O. Box 226, Paisley, OR 97636	33 18 24CD-102	0.30

50. The portion of the twenty-fifth right to be transferred is as follows:

Certificate: 3666 in the name of E. S. McDonald
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.4 AF per acre
Acres: 145.0
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	19	E	W.M.	30	SW NE	7.5
33	S	19	E	W.M.	30	SE NW	7.5
33	S	19	E	W.M.	30	NE SW	40.0
33	S	19	E	W.M.	30	SE SW	25.0
33	S	19	E	W.M.	30	NW SE	40.0
33	S	19	E	W.M.	30	SW SE	25.0

51. Certificate 3666 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 19-1600

52. The twenty-sixth right to be transferred is as follows:

Certificate: 3669 in the name of E. S. McDonald and J. B. Elder (Partners)
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 30
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.8 AF per acre
Acres: 103.0
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres		
33	S	18	E	W.M.	25	SW SE	4.0	
33	S	18	E	W.M.	25	SE SE	37.0	
33	S	18	E	W.M.	36	NE NE	3.0	
33	S	19	E	W.M.	30	SW SW	4	40.0
33	S	19	E	W.M.	31	NW NW	1	19.0

53. Certificate 3669 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 18-2101
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 18-2000
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 19-1600

54. The twenty-seventh right to be transferred is as follows:

Certificate: 3671 in the name of Alice Miller
Use: Irrigation
Priority Date: 1901
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.75
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Acres		
33	S	18	E	W.M.	24	SW SE	0.75

55. Certificate 3671 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Jon A. Jones	P.O. Box 64, Paisley, OR 97636	33 18 24D-1800

56. The portion of the twenty-eighth right to be transferred is as follows:

Certificate: 3672 in the name of W. Y. Miller
Use: Irrigation, domestic, and stock use
Priority Date: 1878 under Proof No. 119, April 1, 1894 under Proof No. 120, and 1901 under Proof No. 121
Season of Use: April 1 to September 30 under Proof No. 119
 April 1 to September 15 under Proof Nos. 120 and 121
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.8 AF per acre
Acres: 17.50
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SE SW	3.25
33	S	18	E	W.M.	24	SW SE	14.25

57. The transferred portion of Certificate 3672 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Curtis and Doris Weaver	P.O. Box 124, Paisley, OR 97636	33 18 24CD-1800	0.77
Mary Lou Sanchez	P.O. Box 84, Paisley, OR 97636	33 18 24CD-1900	0.80
Briggs Logging Co.	P. O. Box 582, Lakeview, OR 97630	33 18 24CD-2000	0.65
Briggs Logging Co.	P. O. Box 582, Lakeview, OR 97630	33 18 24CD-2100	0.61
Michael Gibbons	P. O. Box 42048, Eugene, OR 97404	33 18 24CD-2200	0.40
Michael Gibbons	P. O. Box 42048, Eugene, OR 97404	33 18 24CD-2300	0.02
Jon A. Jones	P.O. Box 64, Paisley, OR 97636	33 18 24D-1800	14.25

58. The portion of the twenty-ninth right to be transferred is as follows:

Certificate: 3673 in the name of Flora Moore
Use: Irrigation
Priority Date: 1904
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.125
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	1/8 (0.125)

59. Certificate 3673 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Centurytel	P.O. Box 40, Burns, OR 97720	33 18 24CA-2600

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

Certificate: 3675 in the name of Annie Moss
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.8 AF per acre
Acres: 159.3
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
33	S	18	E	W.M.	24	SE NE		2.0
33	S	18	E	W.M.	24	NE SE		38.0
33	S	18	E	W.M.	24	SE SE		39.3
33	S	19	E	W.M.	19	SW SW	4	40.0
33	S	19	E	W.M.	19	SE SW		40.0

61. Certificate 3675 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 18 24D-100	17.66
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 18-1400	40.0
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 19-900	80.0
George M. & Susan R. Malone	5809 San Juan Dr., Clinton, MD 20735	33 18 24D-2700	10.27

Owner	Address	Current Tax Lot	Acres
George M. & Susan R. Malone	5809 San Juan Dr., Clinton, MD 20735	33 18 24D-2900	9.70
Anthony & Nita Cordoza	P.O. Box 288, Paisley, OR 97636	33 18 24D-2600	0.50
City of Paisley	City Hall, Paisley, OR 97636	33 18 24D-2800	1.17

62. The thirty-first right to be transferred is as follows:

Certificate: 3679 in the name of the O'Callaghan Bros

Use: Irrigation, domestic, and stock use

Priority Date: 1878

Season of Use: April 1 to September 30

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 4.8 AF per acre

Acres: 68.0

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	25	NE NE	10.0
33	S	18	E	W.M.	25	NW NE	35.0
33	S	18	E	W.M.	25	SW NE	13.0
33	S	18	E	W.M.	25	SE NE	10.0

63. Certificate 3679 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 18-1800

64. The thirty-second right to be transferred is as follows:

Certificate: 3683 in the name of W. B. Parker

Use: Irrigation, domestic, and stock use

Priority Date: 1878

Season of Use: April 1 to September 15

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 4.8 AF per acre

Acres: 40.0

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
33	S	19	E	W.M.	19	SW NW	2	35.0
33	S	19	E	W.M.	19	SE NW		5.0

65. Certificate 3683 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 19 700

66. The portion of the thirty-third right to be transferred is as follows:

Certificate: 3685 in the name of R. N. Phelps
Use: Irrigation and stock use
Priority Date: 1883
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.20
Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	0.20

67. Certificate 3685 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Dennis & Mollie O'Leary	P.O. Box 118, Paisley, OR 97636	33 18 24CA-3200

68. The portion of the thirty-fourth right to be transferred is as follows:

Certificate: 3686 in the name of Geo. Pike
Use: Irrigation, domestic, and stock use
Priority Date: September 18, 1893
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre
Acres: 0.63
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #106 for discussion):

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NW SW	0.63

69. Certificate 3686 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
David & Deanna Smith	P.O. Box 61, Paisley, OR 97636	33 18 24CA-1101

70. The portion of the thirty-fifth right to be transferred is as follows:

Certificate: 3687 in the name of Harriet L. Random
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 30
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.8 AF per acre
Acres: 127.43
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
33	S 18 E	W.M.	25	NE NE		22.01
33	S 18 E	W.M.	25	SE NE		26.05
33	S 19 E	W.M.	30	SW NW	2	39.37
33	S 19 E	W.M.	30	NW SW	3	40.00

71. The transferred portion of Certificate 3687 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97636	33 19-1600	49.31
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 19-1500	30.06

Owner	Address	Current Tax Lot	Acres
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 18-1800	47.12
Centurytel	P.O. Box 40, Burns, OR 97720	33 18-1801	0.28
Theresa Vickerman	P.O. Box 137, Paisley, OR 97636	33 18 24D-3000	0.66

72. The thirty-sixth right to be transferred is as follows:

Certificate: 3691 in the name of School District No. 11
Use: Irrigation
Priority Date: 1901
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 1.8
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #107 for discussion):

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	SE SW	1.8

73. Certificate 3691 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
School District No. 11	P.O. Box 97, Paisley, OR 97636	33 18 24D-800

74. The thirty-seventh right to be transferred is as follows:

Certificate: 3695 in the name of Mrs. L. B. Sult
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 3.9 AF per acre
Acres: 0.7
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	0.4
33	S	18	E	W.M.	24	SE SW	0.3

75. Certificate 3695 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Lora B. Carlon	P.O. Box 17, Paisley, OR 97636	33-18-24CA 2000 & 2001	0.40
John and Paula Merwin.	39650 Clover Flat Rd., Paisley, OR 97636	33 18 24CD-100	0.08
Ronald Forga	P.O. Box 226, Paisley, OR 97636	33 18 24CD-101	0.22

76. The thirty-eighth right to be transferred is as follows:

Certificate: 3696 in the name of S. S. Thayer
Use: Irrigation
Priority Date: 1898
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre: 0.024 cfs
Duty: Not to exceed 3.9 AF per acre: 2.31 AF
Acres: 0.59
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #108):

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	0.59

77. Certificate 3696 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Rosanna J. Bagley	P.O. Box 26, Paisley, OR 97636	33 18 24CA-4500	0.59
Laura M. Davila	2801 NE Sicamore, Bend, OR 97701		
Kathleen A. McAuliffe	P.O. Box 1226, Cottonwood, CA 96022-1226		

78. The thirty-ninth right to be transferred is as follows:

Certificate: 3697 in the name of Rosa Tucker
Use: Irrigation
Priority Date: April 2, 1903
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre
Acres: 1/9 (0.11)
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	24	NE SW	1/9 (0.11)

79. Certificate 3697 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot
Thomas A. Brattain	4414 Pocahontas Rd., Baker City, OR 97814	33 18 24CA-3000

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

Certificate: 3698 in the name of F. Wiedey
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.6 AF per acre
Acres: 25.0
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	19	E	W.M.	19	NW SE	10.0
33	S	19	E	W.M.	19	SW SE	15.0

81. Certificate 3698 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 19-1000	25.00

82. The portion of the forty-first right to be transferred is as follows:

Certificate: 3699 in the name of the estate of Geo. M. Jones, deceased
Use: Irrigation, domestic, and stock use
Priority Date: 1878
Season of Use: April 1 to September 15
Quantity (Rate): 1/25 cfs per acre
Duty: Not to exceed 4.4 AF per acre
Acres: 384.4
Source: Chewaucan River, tributary to Lake Abert
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NE SE	N 47° 46' E, 2885 feet from the S ¼ corner, Section 23

Authorized Place of Use (as listed on certificate; see Finding #108 for discussion):

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
33	S	19	E	W.M.	31	NW NE		36.0
33	S	19	E	W.M.	31	SW NE		36.0
33	S	19	E	W.M.	31	SE NE		40.0
33	S	19	E	W.M.	31	NE SE		40.0
33	S	19	E	W.M.	31	NW SE		33.0
33	S	19	E	W.M.	31	SW SE		12.0
33	S	19	E	W.M.	31	SE SE		40.0
33	S	19	E	W.M.	32	SW NE	2	6.0
33	S	19	E	W.M.	32	SW NW		40.0
33	S	19	E	W.M.	32	SE NW	3	28.8
33	S	19	E	W.M.	32	NW SW	4	25.1
33	S	19	E	W.M.	32	SW SW	5	7.5
34	S	19	E	W.M.	6	NE NE	1	40.0*

**This 40.0 acres is not listed on Certificate 3699. See Finding #109.*

83. Certificate 3699 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
J-Spear Ranch	P.O. Box 257, Klamath Falls, OR 97601	33 19-1800	344.4
J-Spear Ranch	P.O. Box 257, Klamath Falls, OR 97601	34 19-300	40.0

84. The forty-second right to be transferred is as follows:

Certificate: 80631 in the name of Edward Murphy
Use: Irrigation and domestic
Priority Date: 1885
Season of Use: April 1 to September 15

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre

Acres: 80.0

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	24	NW SW	N 11° 02' 05" E, 1808.89 feet from the SW corner, Section 24

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
33	S	19	E	W.M.	19	NE SW		40.0
33	S	19	E	W.M.	19	NW SW	3	40.0

85. Certificate 80631 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 19-800	19.92
Murphy Ranch	P.O. Box 256, Paisley, OR 97636	33 19-1000	60.08

86. The portion of the forty-third right to be transferred is as follows:

Certificate: 72346 in the name of Northwest Townsite Company

Use: Irrigation and domestic

Priority Date: 1881

Season of Use: April 1 to September 15

Quantity (Rate): 1/25 cfs per acre

Duty: Not to exceed 3.9 AF per acre

Acres: 14.05

Source: Chewaucan River, tributary to Lake Abert

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
33	S	18	E	W.M.	23	NW SE	None provided in certificate

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
33	S	18	E	W.M.	23	NE SE	9.85
33	S	18	E	W.M.	24	NW SW	4.20

87. Certificate 72346 is appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Robert Rose	P.O. Box 215, Paisley, OR 97636	33 18 23D-100	0.73
Gary & Beverly Scherer	P.O. Box 15, Paisley, OR 97636	33 18 23D-200	0.77
Eugene C. Fellows Trust, Lois E. Steele, Trustee	3009 Ira Temple Dr., No. 311, Temple, TX 76504	33 18 23D-201	0.83
Kelton & Lucille Butler	P.O. Box 121, Paisley, OR 97636	33 18 23D-300	2.16
Kelton & Lucille Butler	P.O. Box 121, Paisley, OR 97636	33 18 23D-301	0.29
Hugh & Arlene Schultz	P.O. Box 77, Paisley, OR 97636	33 18 23D-600	0.26
Vincente J. Ordaz	P.O. Box 44, Paisley, OR 97636	33 18 23D-800	0.70
Robert & Marsha Rutledge	P.O. Box 101, Paisley, OR 97636	33 18 23D-1600	0.24
Robert & Marsha Rutledge	P.O. Box 101, Paisley, OR 97636	33 18 23D-1700	0.97
Paul & Doris Aikins	P.O. Box 42, Paisley, OR 97636	33 18 23D-2000	0.80
Daniel & Noreen Shoun	P.O. Box 9, Paisley, OR 97636	33 18 23D-2200	0.60
Daniel & Noreen Shoun	P.O. Box 9, Paisley, OR 97636	33 18 23D-2301	0.30
Jeremiah & Carol O'Leary	P.O. Box 209, Paisley, OR 97636	33 18 23D-2300	0.30
Timothy & Kathryn Green	P.O. Box 251, Paisley, OR 97636	33 18 23D-2400	0.40
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 18 24C-200	0.52
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 18 24C-400	0.34
J-Spear Ranch Co.	P.O. Box 257, Klamath Falls, OR 97601	33 18 24C-600	0.22
Michael P. Branum	P.O. Box 206, Paisley, OR 97636	33 18 24C-300	0.28
Orville & Ila Branum	P.O. Box 206, Paisley, OR 97636	33 18 24C-301	0.24
Robert & Ronnie Lindsay	P.O. Box 205, Paisley, OR 97636	33 18 24C-401	0.32
Robert & Ronnie Lindsay	P.O. Box 205, Paisley, OR 97636	33 18 24C-403	0.42
Len & Gloria Babb	P.O. Box 29, Paisley, OR 97636	33 18 24C-1400	1.02
Gary & Rosvi Casteel	P.O. Box 74, Paisley, OR 97636	33 18 24C-1402	0.46
Gary & Rosvi Casteel	P.O. Box 74, Paisley, OR 97636	33 18 24C-1500	0.45
George & Norma DeLarm	P.O. Box 43, Paisley, OR 97636	33 18 24C-1600	0.43

88. Application T-9733 proposes to move the authorized point of diversion for all of the above rights approximately 1/2 mile upstream in the Chewaucan River to:

Township	Range	Meridian	Sec	¼ ¼	Survey Coordinates		
33	S	18	E	W.M.	26	NE NW	S 80° 00' W, 821.3 feet from the N 1/4 corner, Section 26

89. Application T-9733 proposes to change a portion of the place of use of certificate 3654 from:

Township		Range		Meridian	Sec	¼ ¼		Acres
33	S	18	E	W.M.	24	SW	SE	0.78

to:

Township		Range		Meridian	Sec	¼ ¼		Acres
33	S	18	E	W.M.	24	NW	SW	0.78

90. The proposed places of use under certificate 3654 are appurtenant to lands owned as outlined in the following table.

Owner	Address	Current Tax Lot	Acres
Robert & Lynda Lown	P.O. Box 304, Paisley, OR 97636	33 18 24C-1301	0.78

91. 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. However, the Oregon Department of Fish and Wildlife did submit correspondence requesting that a condition requiring installation of proper fish screens be included in the transfer order. Newspaper notice of the Preliminary Determination was published in the Lake County Examiner October 6, 13 and 20, 2005. No protests were filed.
92. 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.
93. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
94. The proposed changes would not result in enlargement of the right.
95. The proposed changes would not result in injury to other water rights.
96. Pursuant to OAR 690-380-4010(5), upon receipt of the draft preliminary determination, the agent for the applicant submitted a response in an e-mail message dated August 24, 2005, indicating corrections to information reported in Finding 90 about the lands on which the proposed places of use are appurtenant. The corrections included deleting reference to 0.13 acres in current tax lot 33 18 24CA-2000 owned by Lora B. Carlon, and changing the ownership information for current tax lot 33 18 24C-1301 from Murphy Ranch to Robert and Lynda Lown. Those corrections to the draft have been integrated into this document.

Redescription of Lands

97. Lands irrigated or susceptible to irrigation from the Chewaucan River and tributaries were to have been investigated and mapped by the State Engineer and his assistant beginning December 16, 1912, according to published notice. However, the decree of the Circuit

Court of the State of Oregon for Lake County, of record at Salem, in the Order Record of the Water Resources Director dated December 2, 1916 entered at Volume 5, Pages 3-4, Section III states that the data were gathered and surveys on which the maps were based had been made prior to December 16, 1912. Because there was no investigation of the lands pursuant to the notice or thereafter, the decree concludes that the maps are not to be considered correct in describing placement of the water rights.

98. In several certificates the estimated number of acres and described locations are not consistent with how the Public Land Survey boundaries overlay property lots, particularly within the town of Paisley Oregon. These instances are noted herein, and the locations where the rights have always been exercised are proposed to be redescribed based on investigations made by the Water Resources Department in the years 1980-1989 and 2005, and to be consistent with the Public Land Survey and the survey of the Town of Paisley.
99. Water right claims appurtenant to properties within the town of Paisley submitted by landowners as “proof” forms, listing approximate acreage per section quarter-quarter, were not subsequently investigated to confirm the accuracy of the submitted proofs, or the map previously prepared by the State Engineer. The State Engineer’s map of Paisley lots did not list acreage or ownership of properties, but stated that the map was drafted at a scale of 1 inch = 200 feet.
100. **Certificate 3599:** According to how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, Lot 3 in Block L, South Addition and Lot 8 in Second South Addition are partly in the NE ¼ of the SW ¼ and mostly in the SE ¼ of the SW ¼ of Section 24, T33S, R18E, W.M.
- a) Lake County Tax Assessor Map 33-18-24CD shows that Lot 3 in Block L, South Addition, and Lot 8 in Second South Addition to the Town of Paisley comprise the west half of current tax lot 200.
- b) The following table describes the place of use description in existing certificate 3599, and a proposed redescription based on the findings above:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	¼-¼	Acres	¼-¼	Estimated Acres	Current Tax Lot
3599	Lot 3 in Block L, South Addition, and Lot 8 in Second South Addition to the Town of Paisley	0.75	NE SW (Lot 3 in Block L, South Addition) SE SW (Lot 3 in Block L, South Addition & Lot 8 in Second South Addition) to the Town of Paisley	0.01 0.74	West ½ of 33 18 24CD-200
Total: 0.75 acre			Total: 0.75 acre		
Township 33 South, Range 18 East, Section 24					

101. **Certificate 3605** describes the authorized place of use as 1.4 acres in the NE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon, being Lots 1, 2, 9, and 10, South Addition to the Town of Paisley, Oregon.

- a) The transfer application depicts the place of use under Certificate 3605 as being 0.7 acres in tax lot 300 and 0.7 acres in tax lot 400, tax map 33 18 24CD. As shown on the current tax assessor’s map 33 18 24 CD, these tax lots correspond to Lots 1, 2, 9, and 10, South Addition of the Town of Paisley, Oregon.
- b) Based on how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, Lots 1, 2, 9, and 10 of the South Addition of Paisley, Oregon are located entirely within the SE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East. This location is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant should be redescribed as 1.4 acres in the SE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon, being Lots 1, 2, 9, and 10, South Addition to the Town of Paisley, Oregon.
- c) The following table describes the place of use description in existing certificate 3605, and a proposed redescription based on the findings above:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	¼-¼	Acres	¼-¼	Estimated Acres	Current Tax Lot
3605	NE SW, being Lots 1, 2, 9, & 10, South Addition to the Town of Paisley	1.40	SE SW, being Lots 1, 2, 9, & 10, South Addition to the Town of Paisley	1.40	33 18 24CD-300 and 400
Township 33 South, Range 18 East, Section 24					

102. **Certificate 3625** was issued based on proof Volume 1—Number 45 claiming 0.6 acre.

- a) The Department concluded, based on research of the deed records during 1983-1985, that this water right correlated with the eastern part of Tax Lot 200 in Block L of Paisley, Oregon, containing Lot 4 of the South Addition, and Lot 7 of the Second South Addition.
- b) Certificate 3625 describes the authorized place of use as 0.6 acre in the NE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon.
- c) Based on how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, Lot 4 of the South Addition of the Town of Paisley, Oregon is located partly within the NE¼ SW¼ and SE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East. Lot 7 of the Second South Addition is in the SE ¼ SW ¼. This is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant should be redescribed in the NE¼ SW¼ and SE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon.

- d) The following table describes the difference between the place of use description in certificate 3625 and a proposed redescription of the place of use based on the findings above:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	¼-¼	Acres	¼-¼	Estimated Acres	Current Tax Lot
3625	NE SW	0.60	NE SW (Paisley Lot 4)	0.01	33 18 24CD-east half of 200
			SE SW (Paisley Lot 4)	0.41	
			SE SW (Paisley Lot 7)	0.18	
Total		0.60 ac	Total	0.60 ac	
Township 33 South, Range 18 East, Section 24					

103. **Certificate 3647** was issued based on proof Volume 2—Number 80, claiming 0.20 acre in the SE ¼ of the SW ¼ of Section 24.

- a) Lake County deed record Vol. 24, page 531, filed February 3, 1911 acknowledged the January 9, 1911 transfer from R.L. Benefiel to S.S. Banister of a land parcel which includes the two unnumbered lots at the east end of Block L shown in the map of the Town of Paisley. The transaction was witnessed by J.E. Hanan and H. T. Stanley. John Hanan's name does not appear in the ownership records, however he was a relative of the Banisters and very possibly was living at this location at the time of the water right adjudication.
- b) The Department concluded that the Certificate 3647 water right lies within the northeast unnumbered lot in Block L, being a portion of Tax Lot 33-18-24CD-100.
- c) Based how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, the east part of current Tax Lot 100 appears to include approximately 0.06 ac in the NE ¼ SW ¼, with the remainder in the SE ¼ SW ¼ of Section 24.
- d) The following table describes the difference between the place of use description in certificate 3647, and a proposed redescription of the place of use based on the Department's conclusion in the 1980s:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	¼-¼	Acres	¼-¼	Estimated Acres	Current Tax Lot
3647	SE SW	0.20	NE SW	0.06	East part of 33 18 24CD-100
			SE SW	0.14	
Total		0.20	Total	0.20	
Township 33 South, Range 18 East, Section 24					

104. **Certificate 3653:** The location of the 3.0 acres under Proof No. 88 needs to be clarified.

- a) The Chewaucan River Decree, Vol. 1, page 289, as well as Certificate 3653, list the location as "Lots 1, 2, 3, and 4, Miller's Addition to the Town of Paisley, Oregon". However, Proof 88 has the following description pasted over the section for description

of the place of use: “The land owned by claimant of which this statement and proof submitted herein covers a part, is described as follows. Commencing at a point 30 feet North and 30 feet East of the South-west corner of the South-east quarter of Sec. 24, Tp. 33 S. R. 18 E. WM. thence running North 509 feet; thence running Easterly 502 feet, thence running Southerly 522 feet, thence running Westerly 497 feet to the place of beginning. The 3 acres irrigated from the Brattain ditch is in irregular shape lying in the South and West part of said tract. The balance of the tract is irrigated from the Miller Ditch.”

- b) The location of 2.6 acres under Proof 89 is described in the proof form as being another part of the same property described by metes and bounds in Finding 57 above, further delineated as follows: “The 2.6 acres irrigated from Miller Ditch is in irregular shape taking in the North and East lines particularly, and cutting the West line of the land. The balance of said tract is irrigated from the “Brattain Ditch” owned by The Bagley Irrigation Company, as shown by Statement and Proof of Claimant herein filed [Proof 88]. The whole of said 5.6 acres is irrigated.
- c) Based on the location statements in Proofs 88 and 89, the place of use should be redescribed as follows when new certificates are issued:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate 3653	Legal Description	Acres	¼-¼	Estimated Acres	Current Tax Lot
Proof 88 (Priority 1889)	Lots 1, 2, 3 and 4, Miller’s Addition to the Town of Paisley, Oregon	3.00	SW SE	0.13 (not participating in transfer—remaining right certificate to be issued)	33 18 24D-1900
				2.87 to be affected by transfer	33 18 24D-2001
Proof 89 (Priority April 1, 1894)	SW SE	2.60	SW SE	2.60 to be affected by transfer	West 0.27 ac of 33 18 24D-2002 and remaining part of 33 18 24D-2001
		Total 5.60	Total 5.60		
Township 33 South, Range 18 East, Section 24					

105. **Certificate 3662** was issued based on proof Volume 2—Number 103 claiming 0.7 acre in the NE ¼ of the SW ¼ of Section 24.

- a) Deed record Vol. 44, page 255 lists sale of Lot 5 in the South Addition of Paisley to E.O. Lamb on May 23, 1912, but indicates a correction in the description in Vol. 47, p. 589, recorded September 1, 1914. The corrected description of the property takes in the majority of Lot 5 and Lot 6 in Block “L” of Paisley.
- b) Based how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, this property is located partly within the NE¼ SW¼ and partly within

the SE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East. This location is also consistent with the original adjudication map prepared by the State Engineer, leading the Department to conclude that the land to which the right has always been appurtenant should be redescribed as within the NE¼ SW¼ and SE ¼ SW ¼ of Section 24, Township 33 South, Range 18 East of Willamette Meridian, Lake County, Oregon. It is estimated that approximately 0.06 acre is in the NE ¼ SW ¼ and 0.64 acre is in the SE ¼ SW¼.

- c) Lake County Tax Assessor Map 33-18-24CD shows the western part of tax lots 100 and 102 roughly coinciding with this area.
- d) The following table describes the difference between the place of use description in certificate 3662 and a proposed redescription of the place of use based on the above findings:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate	¼-¼	Acres	¼-¼	Estimated Acres	Current Tax Lot
3662	NE SW	0.70	NE SW	0.06	West part of 33 18 24CD-100
			SE SW	0.32	West part of 33 18 24CD-100
				0.32	West part of 33 18 24CD-102 (majority of Town Lots 5 & 6)
Total		0.70	Total	0.70	
Township 33 South, Range 18 East, Section 24					

106. **Certificate 3686:** Based on the dimensions given in Proof 143 and how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, the place of use under Certificate 3686 appears to include some land in the SW SW of Section 24 T33S, R18E as well as land in the NW SW and NE SW.

Certificate 3686 is proposed to be re-described as follows:

Original Description of Place of Use			Proposed Redescription of Place of Use		
Certificate 3686	Legal Description	Acres	¼-¼	Estimated Acres	Current Tax Lot
Proof 143 (Priority September 18, 1893)	NE SW	0.50	NE SW	0.66 (not included in transfer)	33 18 24CA-4600 (0.29 ac) 33 18 24CA-4601 (0.18 ac) 33 18 24C-1102 (0.19 ac)
	NW SW	1.00	NW SW	0.54 transferred	33 18 24C-1101 (0.54 ac)
			SW SW	0.09 transferred	33 18 24C-1101 (0.09 ac)
			SE SW	0.21 (not included in transfer)	33 18 24C-1102 (0.09 ac) 33 18 24CA-4600 (0.12 ac)
Total		1.50 ac	Total	1.50 ac	
Township 33 South, Range 18 East, Section 24					

107. **Certificate 3691:** The clear location of the lands shown in the map submitted with Proof 151 matches current tax lot 33 14 24D-800 owned by School District #11 and appears to be the location to which the water right under Certificate 3691 has always been appurtenant. Based on how the Public Land Survey subdivisions overlie the surveyed lots of the town of Paisley, Oregon, this property is located within the NW¼ SE¼. The water right should be redescribed as 1.8 acres in the NW¼ SE¼, Section 24, Township 33 South, Range 18 East, W.M.
108. **Certificate 3696:** Certificate 3696 allows 1.0 acre of irrigation, however, Proof 157 for the right claims that the lot in Paisley to which the right is appurtenant is 168½' x 153'. These dimensions exactly match the meets and bounds description of the relevant property (Tax Lot 33 18 24CA-4500), which equals 0.59 acre. The right has always been limited to 0.59 acre, and should be redescribed accordingly. Current landowners Kathleen A. McAuliffe, Laura M. Davila and Rosanna J. Bagley have submitted affidavits consenting to redescription of the water right as 0.59 acre.
109. **Certificate 3699:** 40 acres of water right in the NE¼ NE¼ of Section 6, Township 34 South, Range 19 East, W.M. was claimed on the Proof 98 map for this right, though it was not listed on the tabulation in the proof, decree or Certificate 3699. This is a scrivener's error, because the total number of acres claimed includes 40 more acres than are listed. The confirming certificate for the right will correct the listing by including the 40 acres shown on the map in the NE¼ NE¼ of Section 6.

Partial Cancellation of Water Rights

110. ORS 540.621 provides that when the owner of a perfected and developed water right desires cancellation of the portion of the water right that has been abandoned, the Department may issue an order canceling the abandoned portion of the water right. Effective upon the date of the order, the water which was the subject of use under the water right shall revert to the public and become again subject to appropriation by other users.
111. The applicants have submitted affidavits authorizing cancellation of the portions of the rights listed below:

Certificate	Priority	Twp	Rng	Mer	Sec	¼-¼	Tax Lot	Acres	Owner
3672	1878	33S	18E	WM	24	SE SW	33 18 24CD-1100	0.45	City of Paisley
3675	1878	33S	18E	WM	24	SE SE	33 18 24D-2400	0.20	Michael Nevill & Julie E. Naslund
3685	1883	33S	18E	WM	24	NE SW	33 18 24CA-500, 600, 700, 800 & 801	0.63	Dennis O'Leary & Mollie A. O'Leary

Certificate	Priority	Twp	Rng	Mer	Sec	¼-¼	Tax Lot	Acres	Owner
3687	1878	33S	18E	WM	25	NE NE	33 18-1700	7.99	United States--USFS
						SE NE	33 18-1700	3.95	United State--USFS
3687	1878	33S	19E	WM	30	SW NW	33 19-1501	0.41	JL Lands, Inc.
72346	1881	33S	13E	WM	23	NE SE	33 18 23D-900 &	0.36	George E. Carlon Family Trust
							33 18 23D-1000	0.44	

Conclusions of Law:

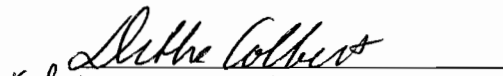
The changes in point of diversion and place of use proposed in application T-9733 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-9733 are approved.
2. Water right certificates 2818, 2870, 3233, 2599, 3604, 3605, 3622, 3625, 3629, 3630, 3631, 3635, 3636, 3638, 3639, 3641, 3642, 3647, 3653, 3654, 3655, 3656, 3659, 3662, 3666, 3669, 3671, 3672, 3673, 3675, 3679, 3683, 3685, 3686, 3687, 3691, 3695, 3696, 3697, 3698, 3699, 72364, and 80631 are cancelled. New certificates 81703-81719 will be issued describing the 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 the certificates described above and any related decrees.
4. 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.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The former place of use of the transferred water under certificate 3654 shall no longer be irrigated as part of that water right.
7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
9. So as to clarify the record, upon perfection of the change in point of diversion, the certificates issued for the rights originally perfected under Certificates 3599, 3605, 3625, 3647, 3653, 3662, 3686, 3691, 3696 and 3699 confirming the change shall redescribe the places of use as proposed in Findings 100-109.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of November, 2005.



for Phillip C. Ward
Director

Mailing date: NOV 30 2005