

each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: A WELL within the WEST FORK WALLA WALLA BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	16	NE SE	2545 FEET NORTH AND 900 FEET WEST FROM THE SE CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
6 N	35 E	WM	16	SE NE	2.8
6 N	35 E	WM	16	NE SE	10.3
TOTAL					13.1

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
6 N	35 E	WM	16	SE NE	10.4
6 N	35 E	WM	16	NE SE	5.4
TOTAL					15.8

- Transfer Application T-10747 proposes to add an additional point of appropriation to the above described lands north approximately 300 feet to:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
6 N	35 E	WM	16	SE NE	2880 FEET NORTH AND 990 FEET WEST FROM THE SE CORNER OF SECTION 16

- Notice of the application for transfer was published on December 23, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On January 4, 2010, the Department mailed a copy of the Draft Preliminary Determination proposing to approve Transfer Application T-10747 to the applicant. The Draft Preliminary Determination set forth a deadline of February 4, 2010, 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.
- On February 11, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10747 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 February 16, 2010, 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)

7. Water has been used within the last five years prior to the submittal of Transfer Application T-10747 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.
8. 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-10747.
9. The Department has determined that the proposed point of appropriation will develop the same source of water as the authorized existing well (UMAT 5412).
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

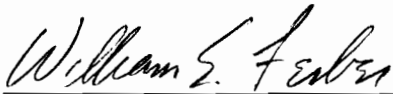
The additional point of appropriation proposed in Transfer Application T-10747 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-10747 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 83860 and any related decree.
3. Water right certificate 83860 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 Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 5412).

7. The approved change 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 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 17th day of March 2010.



Per Phillip C. Ward, Director

Mailing date: MAR 18 2010