

Original Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
5 S	3 W	WM	34	NE SE	470 feet South and 100 feet West from the East ¼ corner of Section 34

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
5 S	3 W	WM	34	NE SE	13.0
5 S	3 W	WM	34	SE SE	2.0
5 S	3 W	WM	35	NW SW	21.0
5 S	3 W	WM	35	SW SW	3.0
TOTAL:					39.0

4. Application T-10655 proposes to modify the point of appropriation under the ground water registration. The proposed new point of appropriation, located approximately 100 feet southwest from the original well, is located as follows:

Twp	Rng	Mer	Sec	¼ ¼	Tax Lot	Survey Coordinates
5 S	3 W	WM	34	NE SE	700	480 feet South and 115 feet West from the East ¼ corner of Section 34

5. Notice of the application for ground water registration modification was published on July 1, 2008, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On August 13, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Ground Water Registration Modification Application T-10655 to the applicant. The draft Preliminary Determination set forth a deadline of September 12, 2008, 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.
7. On September 3, 2008, the Department issued a Preliminary Determination proposing to approve Ground Water Registration Modification Application T-10655 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 September 9, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

8. The proposed modification would not result in enlargement of the ground water registration.
9. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.

10. The proposed modification would not result in injury to other water rights.

Conclusions of Law

The modification in point of appropriation proposed in Application T-10655 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modification to Registration Application GR-2224 (Certificate of Registration GR-2130) proposed in Application T-10655 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-2224 (Certificate of Registration GR-2130) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. Water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. When required by the Department, 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.

Dated at Salem, Oregon this 15th day of October 2008.



pc Phillip C. Ward, Director

Mailing date: OCT 20 2008