

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
12	S	4	W	W.M.	6	SE SW		52	0.1
12	S	4	W	W.M.	6	SW SE		52	6.1
12	S	4	W	W.M.	7	NW NE		52	7.2
12	S	4	W	W.M.	7	NE NW		52	12.0
12	S	4	W	W.M.	7	NE NW		51	0.2

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

Certificate: 37441 in the name of Grace L. Bulman and Estate of Floyd L. Bulman
Use: Irrigation
Priority Date: September 2, 1965
Quantity: 0.69 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2½ acre-feet per acre
Acres: 74.6
Source: Bulman Well No. 5 in the East Channel Willamette River Basin
Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
12	S	4	W	W.M.	7	SW NE		51	1220' S and 2130' W from the SE corner of DLC 52

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
12	S	4	W	W.M.	7	NE NE		51	0.1
12	S	4	W	W.M.	7	SW NE		51	6.0
12	S	4	W	W.M.	7	SE NE		51	25.0
12	S	4	W	W.M.	7	NE SW		51	0.3
12	S	4	W	W.M.	7	SE SW		51	0.2
12	S	4	W	W.M.	7	NE SE		51	5.2
12	S	4	W	W.M.	7	NW SE		51	33.1
12	S	4	W	W.M.	7	SW SE		51	4.4
12	S	4	W	W.M.	8	SW NW		51	0.3

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

Certificate: 37442 in the name of Grace L. Bulman and Estate of Floyd L. Bulman
Use: Irrigation
Priority Date: September 2, 1965
Quantity: 0.67 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 2½ acre-feet per acre
Acres: 72.2
Source: Bulman Well No. 2 in the (Muddy Creek) Willamette River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
12	S	4	W	W.M.	7	NE SE		51	1850' S and 1280' W from the SE corner of DLC 52

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
12	S	4	W	W.M.	7	SE NE	4.7
12	S	4	W	W.M.	7	NE SE	34.4
12	S	4	W	W.M.	7	NW SE	1.1
12	S	4	W	W.M.	7	SE SE	7.0
12	S	4	W	W.M.	8	SW NW	11.6
12	S	4	W	W.M.	8	NW SW	13.4

5. Application T-6972 proposes to move the authorized points of appropriation for all three water rights to two new wells within approximately 0.6 mile or less from the existing points of appropriation in the Willamette basin. The new wells are located as follows:

Township	Range	Meridian	Sec	¼ ¼	DLC	Location
12	S	4	W	W.M.	7	SE NW Well 6—3800' N and 2365' E from the SW corner of Section 7
12	S	4	W	W.M.	7	NE SE Well 7—2300' N and 875' W from the SE corner of Section 7

6. The application and map contained clerical errors in the certificate number for the right perfected under Permit G-2012, and in the ¼ ¼ sections given in the locations of the proposed Wells 6 and 7. This document corrects these errors.
7. 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.
8. Water has been used within the five years prior to filing of the application according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. The proposed change would not result in enlargement of the right.
10. The points of appropriation for unadjudicated groundwater claims GR-484 (claimed priority August 4, 1945) and GR-2451 (claimed priority December 31, 1949) are located between the proposed new wells 6 and 7. Well 6 is located quite close to one of the wells for GR-484. As the dates of these claims are senior to the transferred rights and are appurtenant to property of the same landowner, the proposed change would not result in injury to those water rights.


Conclusions of Law

The changes in point of appropriation proposed in application T-6972 are 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 point of appropriation proposed in application T-6972 is approved.
1. Water right certificates 34059, 37441 and 37442 are cancelled
2. The right to 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 34059, 37441 and 37442.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
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. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
7. The original points of appropriation shall not continue to be used under these water rights.
8. 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.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 29th day of MARCH, 2005.


Phillip C. Ward
Director

Mailing date: APR 27 2005