

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	1 E	WM	4	NE NW		67	2.5
1 N	1 E	WM	4	NW NW		67	3.4
1 N	1 E	WM	5	NE NE		67	16.5
1 N	1 E	WM	5	NW NE		67	22.7
1 N	1 E	WM	5	SW NE		67	11.8
1 N	1 E	WM	5	SE NE		67	11.7
2 N	1 E	WM	32	SW SE	5		5.2
2 N	1 E	WM	32	SE SE	5		23.1
2 N	1 E	WM	33	SW SW	1		10.9
2 N	1 E	WM	33	SE SW	2		2.0

3. Application T-10355 proposes to add an authorized point of appropriation approximately 0.16 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
1 N	1 E	WM	4	SW NW	67	1469 FEET SOUTH AND 651 FEET EAST FROM THE NW CORNER OF SECTION 4

4. Notice of the application for transfer was published on April 10, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On August 31, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10355 to the applicant. The draft Preliminary Determination set forth a deadline of October 1, 2007, 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.
6. On September 13, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10355 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 18, 2007, 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 according to the terms and conditions of the right, and 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 Application T-10355.
9. The proposed change would not result in enlargement of the right.

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


Conclusions of Law

The additional point of appropriation proposed in application T-10355 appears to be 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 application T-10355 is approved.
2. Water right certificate 44646 is cancelled. A new certificate will be issued describing that portion of the right not affected by 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 Certificate 44646 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. 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.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. 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 22 day of October 2007.


Phillip C. Ward, Director

Mailing date: OCT 24 2007