



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	29	E	W.M.	1	NE NE	29.7
4	N	29	E	W.M.	1	SW NE	37.8
4	N	29	E	W.M.	1	SE NE	32.8
4	N	29	E	W.M.	1	SE NW	33.6
4	N	29	E	W.M.	1	NE SE	33.6
4	N	29	E	W.M.	1	NW SE	35.2
4	N	29	E	W.M.	1	SE SE	34.1
<b>TOTAL</b>							<b>236.8</b>

- There was an original water right for primary irrigation under water right certificate 38730 with a priority date of October 7, 1966 for the use of 1.67 cubic feet per second of water from a well for the irrigation of 279.7 acres. On November 10, 1992, Royale Columbia Farms, Inc. signed an affidavit to cancel this right. The Oregon Water Resources Department cancelled the water right as authorized in the affidavit. At the time, the supplemental irrigation certificate 50743 was not cancelled or addressed. This action left a supplemental irrigation right with no primary right. Certificate 50743 has been used as the primary source since the cancellation action.

Oregon Administrative Rule 690-380-2320 describes the process in submitting a transfer application for a change in use from supplemental irrigation to primary irrigation. The applicant is allowed to transfer only to the extent the applicant can establish the quantity of water historically used under the supplemental water right. A right cannot be enlarged through this process. The primary water right shall be cancelled before or at the same time as the issuance of the transfer order changing the supplemental use to primary.

- ✓ The applicant has established the quantity of water historically used under the supplemental water right.
  - ✓ The right is not being enlarged through this process.
  - ✓ The original primary water right has been cancelled.
- Application T-9708 proposes to change the character of use to PRIMARY IRRIGATION.
  - 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.
  - Water has been used within the last five years 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.

7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

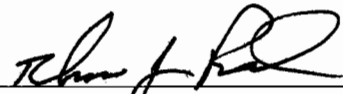
**Conclusions of Law**

The change in character of use proposed in application T-9708 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 change in character of use proposed in application T-9708 is approved.
1. Water right certificate 50743 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
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 50743 and any related decree.
3. The proposed change shall be completed on or before October 1, 2006.
4. 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.
5. 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.

Dated at Salem, Oregon this 25<sup>th</sup> day of May, 2005.

  
Phillip C. Ward, Director

Mailing date: MAY 31 2005