

Authorized Place of Use:

Township		Range		Meridian	Sec	¼	¼	Acres
5	N	29	E	W.M.	29	SW	NE	4.22

- Application T-9685 proposes to change the point of appropriation to a location 1352 feet southwest of the authorized point of appropriation as follows.

Proposed Point of Appropriation:

Township		Range		Meridian	Sec	¼	¼	Location
5	N	29	E	W.M.	29	SW	NE	800 feet North and 1525 feet West from the W¼ corner of Section 28

- 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- Notice of the Preliminary Determination was published in the Department’s Weekly Public Notice on March 8, 2005, and in the Hermiston Herald newspaper on March 14, 21 and 28, 2006. No protests were filed in response to the notice.

Conclusions of Law

The change in point of appropriation proposed in application T-9685 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

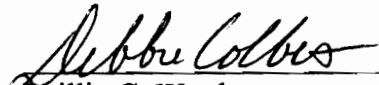
Now , therefore, it is ORDERED:

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 Certificate 76378 and any related decree.

- The change in point of appropriation proposed in application T-9685 is approved.

2. Water right certificate 76378 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2007. 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 changes and full beneficial use of the water.
5. The quantity of water diverted at the new 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. 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.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 30th day of May, 2006.



Phillip C. Ward
Director

Mailing date: JUN 06 2006