

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
16	S	11	E	W.M.	4	NE SW	12.1
16	S	11	E	W.M.	4	NW SW	18.2

3. Application T-9859 proposes to move the authorized point of appropriation approximately 9 miles from the existing point of appropriation in the Deschutes River basin to:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
14	S	11	E	W.M.	20	NW SW	1,600 feet N and 1,200 feet E from the SW corner of Section 20

4. Application T-9859 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
14	S	11	E	W.M.	20	NE SW	24.8
14	S	11	E	W.M.	20	NW SW	0.8
14	S	11	E	W.M.	20	NW SE	4.7

5. 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.
6. 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 is 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 changes in point of appropriation and place of use proposed in application T-9859 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 changes in point of appropriation/place of use proposed in application T-9859 are approved.
2. Water right certificate 81534 is cancelled. Certificate 81675 will be issued describing that portion of the right not involved in this transfer.

3. 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 81534 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. 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.
6. 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.
7. The former place of use of the transferred water shall no longer be irrigated as part of this water right.
8. Prior to diverting water at the new point of appropriation, 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, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 15th day of December, 2005.

Phillip C. Ward
FOR Phillip C. Ward, Director

Mailing date: DEC 20 2005