



**Authorized Point of Appropriation:**

TWP	RNG	MER	SEC	¼ - ¼	Lot	LOCATION
6 N	35 E	W.M.	13	NW SW	---	36.4 Chains North and 4.0 Chains East from the SW corner, Section 13.

**Authorized Place of Use:**

TWP	RNG	MER	Sec	¼ - ¼	TL	Acres
6 N	35 E	W.M.	13	NW SW	502	1.70

3. The tax lot map for the subject area demonstrates that the original survey of the right mislocated the center section line to be approximately 180 feet north of the actual line. As a result, the actual location of the right is:

TWP	RNG	MER	Sec	¼ - ¼	TL	Acres
6 N	35 E	W.M.	13	SW NW	502	0.40
6 N	35 E	W.M.	13	NW SW	502	1.30

4. Application T-9450 proposes to change the authorized point of appropriation for the above described land approximately 270 feet northeast to a well located:

TWP	RNG	MER	SEC	¼ - ¼	TL	LOCATION
6 N	35 E	W.M.	13	NW SW	502	60' South and 400' East from the W¼ corner of Section 13.

5. Notice of the application for transfer was published on June 10, 2003, 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. The proposed point of appropriation (new well) does not develop the same (source) aquifer as that of the original authorized well. Water levels in the authorized well are significantly lower than water levels in the proposed new well. In addition, the authorized well is drilled to a depth of 360 feet while the proposed new well is 172 feet deep. The new well develops an alluvial aquifer while the original well likely develops a basalt aquifer. Under OAR 690-380-2110, any request for a change in point of appropriation is restricted to the same aquifer.
8. A well, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
9. The proposed change would not result in enlargement of the right.

10. As described in Finding #6 above, the proposed change would result in use of a different aquifer than is currently authorized. This would potentially result in reduced availability of ground water for existing authorized users of that aquifer. Therefore, there is not a basis for making an affirmative finding of no injury.
11. On May 31, 2006, the Department issued a preliminary determination proposing to reject Transfer T-9450 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 June 6, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

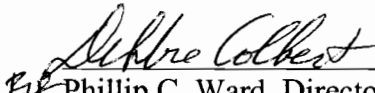
**Conclusions of Law**

The change in point of appropriation proposed in application T-9450 is not 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 change in point of appropriation proposed in application T-9450 is rejected. The application is of no further force or effect.

Dated at Salem, Oregon this 11<sup>th</sup> day of July, 2006.

  
\_\_\_\_\_  
Phillip C. Ward, Director

Mailing date: JUL 13 2006