

to conform with the transfer CWRE's information and map. The small acreages on the east side of Iverson Road will be combined with the acreages located between the east line of Section 36 and the east property boundary. Though the total acreage does not change, the breakdown by quarter-quarter and DLC varies from the original description.

- Some of the area labeled on the Final Proof map as being in Willoughby Churchill DLC 39 appears to be in Willoughby Churchill DLC 38 when compared to Government Land Office maps, so the new description corrects these apparent errors. A proposed re-description of the right under Certificate 29484 is as follows:

ORIGINAL DESCRIPTION							PROPOSED RE-DESCRIPTION	
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	DLC	Acres
25 S	6 W	WM	30	SW SW	38	2.40	38	2.85
25 S	6 W	WM	31	NW NW	38	6.30	38	7.70
25 S	6 W	WM	31	SW NW	38	6.30	38	7.70
25 S	6 W	WM	31	NW SW	38	6.30	38	7.30
25 S	6 W	WM	31	SW SW	38	5.60	38	5.60
25 S	7 W	WM	25	SW SW	45	4.20	45	4.20
25 S	7 W	WM	25	SE SW	45	15.80	45	15.80
25 S	7 W	WM	25	SE SW	46	0.40	46	0.40
25 S	7 W	WM	25	SW SE	46	15.50	46	15.50
25 S	7 W	WM	25	SW SE	39	0.80	--	--
25 S	7 W	WM	25	SE SE	39	23.80	38	24.15
25 S	7 W	WM	36	NE NE	39	40.00	38	40.00
25 S	7 W	WM	36	NW NE	46	37.40	46	37.40
25 S	7 W	WM	36	NW NE	39	1.40	--	--
25 S	7 W	WM	36	SW NE	46	37.30	46	37.30
25 S	7 W	WM	36	SW NE	39	1.40	--	--
25 S	7 W	WM	36	SE NE	39	40.00	38	40.00
25 S	7 W	WM	36	NE NW	45	26.20	45	26.20
25 S	7 W	WM	36	NE NW	46	3.00	46	3.00
25 S	7 W	WM	36	NW NW	45	0.80	45	0.80
25 S	7 W	WM	36	SE NW	45	3.20	45	3.20
25 S	7 W	WM	36	SE NW	46	1.80	46	1.80
25 S	7 W	WM	36	NE SE	39	39.00	38	39.00
25 S	7 W	WM	36	NE SE	46	1.00	--	--
25 S	7 W	WM	36	NW SE	46	15.40	46	15.40
25 S	7 W	WM	36	SE SE	39	9.20	38	9.20
TOTAL						344.50	TOTAL	344.50

- A certificate of Water Right Ownership Update was provided for the lands included in the water right, showing that Jerry and Debra Tabor sold Tax Lot 25.7.36.102 to Wayne and Delores Parker, and Tax Lot 25.7.36.200 to EGM, LLC, the transfer applicants.
- An agreement associated with the above-listed sale indicates that 2/3 of the total water rights are to be transferred to E.G.M., LLC. and 1/3 of the total water rights will be on lands owned by Parker Revocable Community Trust, Wayne A. Parker and Delores Parker, as trustees.

7. An affidavit Granting Permission from Wayne and Delores Parker for a Permanent Transfer of a Water Right was provided, granting permission to EGM, LLC, to permanently transfer water rights under Certificate 29484, appurtenant to Parcel 2 of Partition Plat 2008-0068 A & B onto Parcel 3 of Partition Plat 2008-0068 A & B.
8. An affidavit Granting Permission from Jerry and Debra Tabor for a Permanent Transfer of a Water Right was provided, granting permission to EGM, LLC, to permanently transfer water rights under Certificate 29484, appurtenant to Parcel 1 of Partition Plat 2008-0068 A & B onto Parcel 3 of Partition Plat 2008-0068 A & B.
9. The portion of the right to be transferred is as follows (based on the re-description):

Certificate: 29484 in the name of ESTATE OF SEVERT IVERSON C/O ROGER IVERSON (perfected under Permit S-24008)
Use: IRRIGATION of 131.3 ACRES
Priority Date: DECEMBER 21, 1955
Rate: 1.64 CUBIC FEET PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year
Source: UMPQUA RIVER, tributary to PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	6 W	WM	30	SW SW	38	Not provided

Authorized Place of Use (as re-described):

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
25 S	6 W	WM	30	SW SW	38	2.8
25 S	6 W	WM	31	NW NW	38	1.6
25 S	6 W	WM	31	SW NW	38	1.1
25 S	6 W	WM	31	NW SW	38	7.3
25 S	6 W	WM	31	SW SW	38	5.6
25 S	7 W	WM	25	SE SE	38	20.1
25 S	7 W	WM	36	NE NE	38	8.7
25 S	7 W	WM	36	SW NE	46	31.7
25 S	7 W	WM	36	SE NE	38	5.0
25 S	7 W	WM	36	SE NW	45	3.2
25 S	7 W	WM	36	SE NW	46	1.8
25 S	7 W	WM	36	NE SE	38	17.8
25 S	7 W	WM	36	NW SE	46	15.4
25 S	7 W	WM	36	SE SE	38	9.2
TOTAL						131.3

10. Application T-10964 proposes to change the place of use of this portion of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
25S	7W	WM	35	SE NE	2		10.0
25S	7W	WM	35	SE NE		45	2.3

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
25S	7W	WM	35	SE NE		46	0.2
25S	7W	WM	35	NE SE	3		6.0
25S	7W	WM	35	NE SE		46	1.7
25S	7W	WM	36	SW NW		45	12.5
25S	7W	WM	36	SW NW		46	1.2
25S	7W	WM	36	SE NW		46	1.7
25S	7W	WM	36	NE SW		46	26.0
25S	7W	WM	36	NW SW		46	12.4
26S	7W	WM	1	NE NE		39	35.3
26S	7W	WM	1	NW NE		39	4.6
26S	7W	WM	1	SW NE		39	1.9
26S	7W	WM		SE NE		39	15.5
TOTAL							131.3

11. Notice of the application for transfer was published on October 20, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On January 20, 2010, the Department mailed a copy of the Preliminary Determination proposing to approve Transfer Application T-10964 to the applicant. The Preliminary Determination cover letter set forth a deadline of February 22, 2010, 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.
13. On March 5, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10964 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 March 9, 2010, 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(2)]

14. Water has been used within the last five years period prior to submittal of the transfer application] according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-10964.
16. The proposed change would not result in enlargement of the right.
17. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-10964 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the place of use will be re-described.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-10964 is approved.
2. Water right certificate 29484 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer, consistent with the re-description in Finding of Fact #4.
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 29484 and any related decree.
4. Water measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the point of diversion.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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.
7. When satisfactory proof of the completed change is received, a new certificate confirming the transferred portion of the right transferred will be issued.

Dated at Salem, Oregon this 9th day of April 2010.

William E. Feuba

Phillip C. Ward, Director

Mailing date: APR 13 2010