

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	.Q-Q	DLC	Measured Distances
6 S	4 W	WM	25	SE SE	49	420 FEET NORTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	4 W	WM	25	SW SE	49	9.2
6 S	4 W	WM	25	SE SE	49	10.5
6 S	4 W	WM	36	NE NE	49	30.3
6 S	4 W	WM	36	NW NE	49	22.8
6 S	4 W	WM	36	SW NE	49	5.0
6 S	4 W	WM	36	SE NE	49	5.5

3. Transfer Application T-10935 proposes to change the character of use to Quasi-Municipal.
4. Transfer Application T-10935 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
5S	4W	WM	30	ENTIRE
5S	4W	WM	31	ENTIRE
5S	4W	WM	32	ENTIRE
5S	4W	WM	33	ENTIRE
5S	5W	WM	25	SW NE
5S	5W	WM	25	SE NE
5S	5W	WM	25	SW NW
5S	5W	WM	25	SE NW
5S	5W	WM	25	S ½
5S	5W	WM	26	SW NE
5S	5W	WM	26	SE NE
5S	5W	WM	26	SW NW
5S	5W	WM	26	SE NW
5S	5W	WM	26	S ½
5S	5W	WM	27	SW NE
5S	5W	WM	27	SE NE
5S	5W	WM	27	SW NW
5S	5W	WM	27	SE NW
5S	5W	WM	27	S ½
5S	5W	WM	28	SW NE
5S	5W	WM	28	SE NE
5S	5W	WM	28	SW NW
5S	5W	WM	28	SE NW
5S	5W	WM	28	S ½
5S	5W	WM	29	SW NE
5S	5W	WM	29	SE NE
5S	5W	WM	29	SW NW
5S	5W	WM	29	SE NW
5S	5W	WM	29	S ½
5S	5W	WM	30	SW NE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
5S	5W	WM	30	SE NE
5S	5W	WM	30	SW NW
5S	5W	WM	30	SE NW
5S	5W	WM	30	S ½
5S	5W	WM	31	ENTIRE
5S	5W	WM	32	ENTIRE
5S	5W	WM	33	ENTIRE
5S	5W	WM	34	ENTIRE
5S	5W	WM	35	ENTIRE
5S	5W	WM	36	ENTIRE
5S	6W	WM	36	ENTIRE
6S	3W	WM	29	ENTIRE
6S	3W	WM	30	ENTIRE
6S	3W	WM	32	ENTIRE
6S	4W	WM	4	ENTIRE
6S	4W	WM	5	ENTIRE
6S	4W	WM	6	ENTIRE
6S	4W	WM	7	ENTIRE
6S	4W	WM	8	ENTIRE
6S	4W	WM	9	ENTIRE
6S	4W	WM	16	ENTIRE
6S	4W	WM	17	ENTIRE
6S	4W	WM	18	ENTIRE
6S	4W	WM	19	ENTIRE
6S	4W	WM	20	ENTIRE
6S	4W	WM	21	ENTIRE
6S	4W	WM	22	ENTIRE
6S	4W	WM	23	ENTIRE
6S	4W	WM	25	ENTIRE
6S	4W	WM	26	ENTIRE
6S	4W	WM	27	W ½
6S	4W	WM	28	ENTIRE
6S	4W	WM	29	ENTIRE
6S	4W	WM	30	ENTIRE
6S	4W	WM	31	ENTIRE
6S	4W	WM	32	ENTIRE
6S	4W	WM	33	ENTIRE
6S	4W	WM	34	W ½
6S	5W	WM	1	ENTIRE
6S	5W	WM	2	ENTIRE
6S	5W	WM	3	ENTIRE
6S	5W	WM	4	ENTIRE
6S	5W	WM	5	ENTIRE
6S	5W	WM	6	ENTIRE
6S	5W	WM	7	ENTIRE
6S	5W	WM	8	ENTIRE
6S	5W	WM	9	ENTIRE
6S	5W	WM	10	ENTIRE
6S	5W	WM	11	ENTIRE
6S	5W	WM	12	ENTIRE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
6S	5W	WM	13	ENTIRE
6S	5W	WM	14	ENTIRE
6S	5W	WM	15	ENTIRE
6S	5W	WM	16	ENTIRE
6S	5W	WM	17	ENTIRE
6S	5W	WM	18	ENTIRE
6S	5W	WM	19	ENTIRE
6S	5W	WM	20	ENTIRE
6S	5W	WM	21	ENTIRE
6S	5W	WM	22	ENTIRE
6S	5W	WM	23	ENTIRE
6S	5W	WM	24	ENTIRE
6S	5W	WM	25	ENTIRE
6S	5W	WM	26	ENTIRE
6S	5W	WM	27	ENTIRE
6S	5W	WM	28	ENTIRE
6S	5W	WM	29	ENTIRE
6S	5W	WM	30	ENTIRE
6S	5W	WM	31	ENTIRE
6S	5W	WM	32	ENTIRE
6S	5W	WM	33	ENTIRE
6S	5W	WM	34	ENTIRE
6S	5W	WM	35	ENTIRE
6S	5W	WM	36	ENTIRE
6S	6W	WM	1	ENTIRE
6S	6W	WM	2	S ½
6S	6W	WM	3	S ½
6S	6W	WM	4	S ½
6S	6W	WM	9	ENTIRE
6S	6W	WM	10	ENTIRE
6S	6W	WM	11	ENTIRE
6S	6W	WM	12	ENTIRE
6S	6W	WM	13	ENTIRE
6S	6W	WM	14	ENTIRE
6S	6W	WM	15	ENTIRE
6S	6W	WM	16	ENTIRE
6S	6W	WM	21	ENTIRE
6S	6W	WM	22	ENTIRE
6S	6W	WM	23	ENTIRE
6S	6W	WM	24	ENTIRE
6S	6W	WM	25	ENTIRE
6S	6W	WM	26	ENTIRE
6S	6W	WM	27	ENTIRE
6S	6W	WM	28	ENTIRE
6S	6W	WM	33	ENTIRE
6S	6W	WM	34	ENTIRE
6S	6W	WM	35	ENTIRE
6S	6W	WM	36	ENTIRE
7S	4W	WM	3	W ½
7S	4W	WM	4	ENTIRE

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
7S	4W	WM	5	ENTIRE
7S	4W	WM	6	ENTIRE
7S	4W	WM	7	ENTIRE
7S	4W	WM	8	ENTIRE
7S	4W	WM	9	ENTIRE
7S	4W	WM	10	W ½
7S	4W	WM	15	NE NW
7S	4W	WM	15	NW NW
7S	4W	WM	15	SW NW
7S	4W	WM	15	SE NW
7S	4W	WM	16	N ½
7S	4W	WM	17	N ½
7S	4W	WM	18	ENTIRE
7S	5W	WM	1	ENTIRE
7S	5W	WM	2	ENTIRE
7S	5W	WM	3	ENTIRE
7S	5W	WM	4	ENTIRE
7S	5W	WM	5	ENTIRE
7S	5W	WM	6	ENTIRE
7S	5W	WM	7	ENTIRE
7S	5W	WM	8	ENTIRE
7S	5W	WM	9	ENTIRE
7S	5W	WM	10	ENTIRE
7S	5W	WM	11	ENTIRE
7S	5W	WM	12	ENTIRE
7S	5W	WM	15	ENTIRE
7S	5W	WM	16	ENTIRE
7S	5W	WM	17	ENTIRE
7S	5W	WM	18	ENTIRE
7S	5W	WM	19	ENTIRE
7S	6W	WM	1	ENTIRE
7S	6W	WM	2	ENTIRE
7S	6W	WM	3	ENTIRE
7S	6W	WM	4	ENTIRE
7S	6W	WM	11	ENTIRE
7S	6W	WM	12	ENTIRE
7S	6W	WM	13	ENTIRE
7S	6W	WM	14	ENTIRE
7S	6W	WM	23	ENTIRE
7S	6W	WM	24	ENTIRE

5. The annual quantity of water allowed under the right is 2.5 acre-feet per acre x 83.3 acres = 208.25 acre-feet (67,858,262 gallons). Water may be diverted at a rate of 0.33 cfs (148.11 gpm) during the irrigation season of March 1 through October 31 of each year.
6. This well is within the Eola Hills Groundwater Limited Area (GLA). The Water Resources Commission has directed the Department to take additional measures to better access and manage the groundwater within the Eola Hills GLA. Therefore, the proposed water use should be conditioned to require metering and annual reports of meter readings.

7. Notice of the application for transfer was published on August 25, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On December 29, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10935 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 28, 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.
9. On February 5, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10935 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 February 9, 2010, and in the Polk County Itemizer-Observer newspaper on February 24, March 3 and March 10, 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)

10. Water has been used within the last five years prior to the submittal of Transfer Application T-10935 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.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10935.
12. The proposed change would not result in enlargement of the right, provided the annual volume of water for quasi-municipal use is limited to 208.25 acre-feet (67,858,262 gallons) per year, pumped only during the period of March 1 through October 31 at a rate not to exceed 0.33 cfs (148.11 gpm).
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

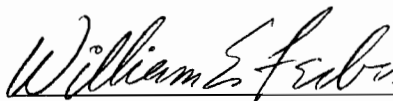
The change in place of use and change in character of use proposed in Transfer Application T-10935 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use and change in character of use proposed in application T-10935 are approved.
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 45798 and any related decree.

3. Water right Certificate 45798 is cancelled.
4. Water for quasi-municipal use is limited to a pumping rate of 0.33 cfs (148.11 gpm) during the period from March 1 through October 31 of each year, further limited to a total annual volume of 208.25 acre-feet (67,858,262 gallons).
5. Water use 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 each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Prior to the use of water under this order, the water user shall submit an initial meter reading, and shall submit an initial meter reading each season on March 1 or before water use begins.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. 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.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

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


for Phillip C. Ward, Director

Mailing date: APR 13 2010