

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Well	Acres
28 S	16 E	WM	10	SE NE	2	38.2

3. Application T-10199 proposes to change the place of use of the portion of the right transferred to:

Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	29	SW SE	3.3
26 S	18 E	WM	32	SW NW	34.9

4. Application T-10199 also proposes to change the authorized point of appropriation for the portion transferred to Section 29, R26S, R18E approximately 13 miles northeast from the existing point of appropriation to the following location:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	18 E	WM	29	SW SW	1290 feet north and 1260 feet east from the SW Corner of Section 29 (per Certificate 55702)

and to change the authorized point of appropriation for the portion transferred to Section 32 T26S, R18E approximately 13 miles northeast from the existing point of appropriation to the following location:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
26 S	18 E	WM	31	NE NE	1410 feet north and 1320 feet east from the Center ¼ Corner of Section 31 (per Certificate 76942)

5. Notice of the application for transfer was published on June 16, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. On September 28, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10199 and mailed a copy to the applicants. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on October 3, 2006, and in the Lake County Examiner newspaper on October 12, 19 and 26, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. 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.
8. A 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. 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-10199 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation and place of use proposed in application T-10199 are approved.
2. Water right Certificate 75536 is cancelled. A new certificate 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 75536 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, 2008**. 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 points 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 receive water as part of this right.
8. Prior to diverting water at the new points 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 portion of the right transferred will be issued.

Dated at Salem, Oregon this 30 day of November 2006.


FD Phillip C. Ward, Director

Mailing date: DEC 04 2006