

- Application T-10230 proposes to move the authorized point of diversion approximately 140 feet South to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
37 S	5 E	WM	14	SW NW	3510 FEET NORTH AND 350 FEET EAST FROM THE SW CORNER OF SECTION 14.

- Application T-10230 also proposes to change the place of use of the right to:

DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	
37 S	5 E	WM	14	SW NW	Lot 2, Block U

- Notice of the application for transfer was published on August 29, 2006 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did comment that a fish screen was not required.
- On October 23, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10230 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published in the Department's weekly notice on October 31, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 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.
- A domestic system sufficient to use the full amount of water allowed under the existing right is present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- The receiving landowners are:

JUSTINE P. AND ROBERT M. KLOEPPER
 1122 SPRING STREET, APT. 332
 MEDFORD, OREGON 97504


Conclusions of Law

The changes in place of use and point of diversion proposed in transfer application T-10230 are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-10230 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 56031 and any related decree.
3. Water Right Certificate 56031 is cancelled.
4. 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.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The former place of use of the transferred water shall no longer receive water as part of this right.
7. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued

Dated at Salem, Oregon this 3rd day of December 2006.


Phillip C. Ward, Director

Mailing Date: DEC 06 2006