

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
3 S	9 W	WM	29	NW NW
3 S	9 W	WM	29	SW NW
3 S	9 W	WM	29	SE NW
3 S	9 W	WM	29	NE SW
3 S	9 W	WM	29	NW SW
3 S	9 W	WM	30	NW NE
3 S	9 W	WM	30	SW NE
3 S	9 W	WM	30	SE NE
3 S	9 W	WM	30	SW SW
3 S	9 W	WM	30	NE SE
3 S	9 W	WM	30	NW SE
3 S	9 W	WM	31	NE NW
3 S	9 W	WM	31	NW NW
3 S	9 W	WM	31	SW NW
3 S	9 W	WM	31	SE NW

4. The authorized point of diversion, as listed on Certificate 82602, contains an erroneous description. All available information demonstrates the point of diversion should be identified as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 W	WM	30	SE NE	420 FEET NORTH AND 380 FEET WEST FROM THE SE CORNER, NESE, OF SECTION 30

5. Transfer Application T-11325 proposed to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q
3 S	9 W	WM	20	NE NW
3 S	9 W	WM	20	NW NW
3 S	9 W	WM	20	SW NW
3 S	9 W	WM	20	SE NW
3 S	9 W	WM	20	NE SW
3 S	9 W	WM	20	NW SW
3 S	9 W	WM	20	SW SW
3 S	9 W	WM	20	SE SW
3 S	9 W	WM	29	NW NE
3 S	9 W	WM	29	SW NE
3 S	9 W	WM	29	NE NW
3 S	9 W	WM	29	NW NW
3 S	9 W	WM	29	SW NW
3 S	9 W	WM	29	SE NW
3 S	9 W	WM	29	NE SW
3 S	9 W	WM	29	NW SW
3 S	9 W	WM	29	SW SW
3 S	9 W	WM	29	SE SW
3 S	9 W	WM	30	NE SE
3 S	9 W	WM	30	NW SE
3 S	9 W	WM	30	SW SE
3 S	9 W	WM	30	SE SE
3 S	9 W	WM	31	NW NE
3 S	9 W	WM	31	SW NE

Twp	Rng	Mer	Sec	Q-Q
3 S	9 W	WM	20	NE NW
3 S	9 W	WM	20	NW NW
3 S	9 W	WM	20	SW NW
3 S	9 W	WM	20	SE NW
3 S	9 W	WM	31	NE NW
3 S	9 W	WM	31	SW NW
3 S	9 W	WM	31	SE NW
3 S	9 W	WM	31	NE SW
3 S	9 W	WM	31	NW SW
3 S	9 W	WM	31	NW SE
3 S	10 W	WM	36	SE NE
3 S	10 W	WM	36	NE SE

6. The transfer application proposes to change the character of use from Quasi-municipal uses to Municipal uses.
7. Notice of the application for transfer was published on December 13, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On March 12, 2012, the Department mailed to the applicant a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11325. The draft Preliminary Determination cover letter set forth a deadline of April 12, 2012, for the applicants to respond. The applicants responded before the deadline and requested that the Department proceed with issuance of a Preliminary Determination.
9. On April 4, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11325 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination of the transfer application was published on the Department's weekly notice on April 10, 2012 and in Tillamook's Headlight-Herald on April 11, April 18 and April 25, 2012, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

Transfer Review Criteria [OAR 690-380-4010(2)]

10. Water has been used within the last five years 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 diversion structure, ditch, pump and pipeline 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-11325.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

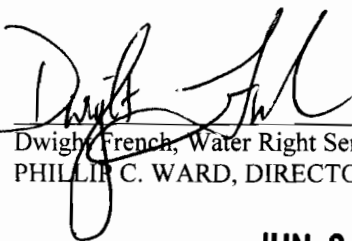
Conclusions of Law

The change in place of use and character of use as proposed in Transfer Application T-11325 is consistent with the requirements of ORS 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 Transfer Application T-11325 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 82602 and any related decree.
3. Water right Certificate 82602 is cancelled.
4. Beaver Water District, or its successors, shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. A Claim of Beneficial Use prepared by a Certified Water Right 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. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1 day of June, 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

JUN 07 2012

Mailing Date: _____