

4. On December 20, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13100 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 December 24, 2019, and in the Keizertimes newspaper on December 27, 2019, and January 3, 2020 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The right to be transferred is as follows:

Certificate: 50519 in the name of JIM NIGHTENGALE (perfected under Permit G-6838)
Use: QUASI-MUNICIPAL USES
Priority Date: JUNE 27, 1973
Rate: 2.0 CUBIC FEET PER SECOND TOTAL FROM THREE WELLS AT ONE TIME
Source: THREE WELLS, a tributary of CLAGGETT CREEK

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	35	NE NE	WELL 2 (KEIZER WELL #12 – 17 TH AVE) - 620 FEET SOUTH AND 10 FEET WEST FROM THE NE CORNER OF SECTION 35
6 S	3 W	WM	35	NW NE	WELL 1 (KEIZER WELL #13 – 13 TH AVE) - 925 FEET SOUTH AND 1540 FEET WEST FROM THE NE CORNER OF SECTION 35
6 S	3 W	WM	36	NE NW	WELL 3 (KEIZER WELL #11 – LAUDERBACK) - 1280 FEET SOUTH AND 1800 FEET EAST FROM THE NE CORNER OF SECTION 35

Authorized Place of Use:

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
6 S	3 W	WM	35	NE NE
6 S	3 W	WM	35	NW NE
6 S	3 W	WM	35	SW NE
6 S	3 W	WM	35	SE NE
6 S	3 W	WM	35	NE NW
6 S	3 W	WM	36	NE NW
6 S	3 W	WM	36	NW NW
6 S	3 W	WM	36	SW NW
6 S	3 W	WM	36	SE NW

6. Transfer Application T-13100 proposes to move the authorized points of appropriation from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in feet (ft.)		
6 S	3 W	WM	35	NE NE	KEIZER WELL #12 – 17 TH AVE - 680.11 FEET	WELL 1	WELL 2	WELL 3

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in feet (ft.)		
					SOUTH AND 780.03 FEET WEST FROM THE NE CORNER OF SECTION 35	1483.1 ft.	90.6 ft.	1971.9 ft.

Transfer Review Criteria (OAR 690-380-4010)

7. 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.
8. A fully metered municipal system 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-13100.
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.
11. All other application requirements are met.

Conclusions of Law

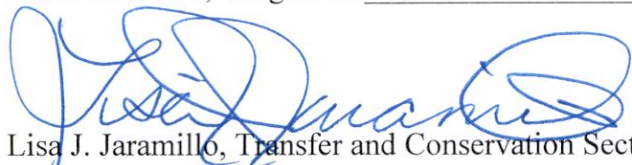
The change in points of appropriation proposed in Transfer Application T-13100 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of appropriation proposed in Transfer Application T-13100 is 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 50519 and any related decree.
3. Water right Certificate 50519 is cancelled.
4. The quantity of water diverted at the new point of appropriation (Keizer Well #12 – 17th Ave), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 (Keizer Well #13 – 13th Ave), Well 2 (Keizer Well #12 – 17th Ave), and Well 3 (Keizer Well #11 – Lauderback).
5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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 change and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on FEB 06 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: FEB 07 2020