

Authorized Points of Diversion:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
17 S	12 E	WM	29	SE NE	DESCHUTES RIVER: 1,700 FEET SOUTH AND 730 FEET WEST FROM NE CORNER OF SECTION 29
22 S	9 3	WM	7	SW NE	WICKIUP RESERVOIR
12 S	13 E	WM	27	SW NE	HAYSTACK RESERVOIR

Authorized Place of Use:

AUTHORIZED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
10 S	13 E	WM	35	SW SE	400	0.10	VICTORIN	05-15
10 S	13 E	WM	35	SW SE	1300	0.20	GOICOA	05-08
10 S	13 E	WM	35	SW SE	1700	0.30	O'MEARA	05-12
10 S	13 E	WM	35	SE SE	1700	0.20	O'MEARA	05-12
11 S	13 E	WM	12	NE SW	1000	0.63	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	1100	0.12	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	1200	0.15	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	1300	0.15	REYNOLDS	05-09-3
11 S	13 E	WM	12	NE SW	1400	0.13	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	1500	0.18	WRIGHT	05-09-7
11 S	13 E	WM	12	NE SW	1600	0.19	LEACH	05-09-2
11 S	13 E	WM	12	NE SW	1700	0.11	SWAGGERTY	05-09-6
11 S	13 E	WM	12	NE SW	1800	0.06	PEREZ	05-09-4
11 S	13 E	WM	12	NE SW	1900	0.01	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2000	0.08	BROOKS	05-09-5
11 S	13 E	WM	12	NE SW	2100	0.16	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2200	0.14	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2300	0.24	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2400	0.18	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2500	0.09	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2700	0.03	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2800	0.15	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2900	0.15	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	3000	0.15	WRIGHT	05-09-8
11 S	13 E	WM	12	NE SE	206	9.1	VIKING BUILDERS	05-23

AUTHORIZED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
11 S	13 E	WM	12	NW SE	201	4.40	VIKING BUILDERS	05-23
11 S	13 E	WM	15	SW SW	500	6.80	MOORHEAD	05-21
11 S	13 E	WM	15	SE SW	500	13.20	MOORHEAD	05-21
11 S	13 E	WM	15	NE SE	101	5.40	HAMILTON	05-13
11 S	13 E	WM	23	SW SW	1500	0.80	PALUCK	05-05
11 S	13 E	WM	23	SW SE	3300	1.10	CAMPBELL	05-17
12 S	13 E	WM	9	NW NW	600	1.80	DINKEL	05-07
12 S	13 E	WM	17	NE SW		0.50	FIELDCREST INVESTMENTS LLC	05-19
12 S	13 E	WM	17	NE SW		1.20	FIELDCREST INVESTMENTS LLC	05-20
12 S	13 E	WM	17	NW SW		0.90	FIELDCREST INVESTMENTS LLC	05-19
13 S	13 E	WM	29	NE SE	700	0.50	DAVISON	05-10
TOTAL:						49.60		

4. Application T-10059 proposed to change the place of use to:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
9 S	13 E	WM	16	SW SE	500	0.70	KOWALESKI	05-23
9 S	13 E	WM	16	SE SE	500	1.90	KOWALESKI	05-23
9 S	13 E	WM	21	NE NE	100	10.90	KOWALESKI	05-23
11 S	13 E	WM	14	SE NW	1900	0.80	KB MANAGEMENT	05-05
11 S	13 E	WM	14	SE NW	1900	0.50	KB MANAGEMENT	05-12
11 S	13 E	WM	15	NE NE	100	0.20	HAMILTON	05-08
11 S	13 E	WM	15	NE NE	100	2.18	HAMILTON	05-09-1
11 S	13 E	WM	15	NE NE	100	0.19	HAMILTON	05-09-2
11 S	13 E	WM	15	NE NE	100	0.15	HAMILTON	05-09-3
11 S	13 E	WM	15	NE NE	100	0.06	HAMILTON	05-09-4
11 S	13 E	WM	15	NE NE	100	0.08	HAMILTON	05-09-5
11 S	13 E	WM	15	NE NE	100	0.11	HAMILTON	05-09-6
11 S	13 E	WM	15	NE NE	100	0.18	HAMILTON	05-09-7
11 S	13 E	WM	15	NE NE	100	0.15	HAMILTON	05-09-8
11 S	13 E	WM	15	NE NE	100	5.40	HAMILTON	05-13
11 S	13 E	WM	15	NE NE	100	0.10	HAMILTON	05-15
11 S	13 E	WM	15	NE NE	100	1.10	HAMILTON	05-17
11 S	13 E	WM	15	NE SW	400	5.50	MOORHEAD	05-21
11 S	13 E	WM	15	NW SW	400	14.50	MOORHEAD	05-21
12 S	13 E	WM	6	NW NW	200	1.40	MILLER TRUST	05-19
12 S	13 E	WM	6	NW NW	202	1.20	MILLER	05-20
12 S	13 E	WM	9	SE NW	600	1.80	DINKEL	05-07
13 S	13 E	WM	29	NE SE	700	0.50	DAVISON	05-10
TOTAL:						49.60		

5. The portion of the second right to be transferred is as follows:

Certificate: 72283, issued in the name of North Unit Irrigation District

Use: Irrigation

Acres: 52.30

Priority Date: September 18, 1968

Rate & Duty: Maximum of 1/40 cfs per acre and 4.0 acre-feet per acre per year.

Source: Crooked River, tributary to Deschutes River.

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE W¼ CORNER OF SECTION 13

Authorized Place of Use:

AUTHORIZED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT#
9 S	13 E	WM	16	SW SE	500	0.70	KOWALESKI	05-22
9 S	13 E	WM	16	SE SE	500	0.20	KOWALESKI	05-22
10 S	13 E	WM	35	SW SE	1700	0.30	O'MEARA	05-12
10 S	13 E	WM	35	SW SE	1800	0.30	O'MEARA	05-12
11 S	13 E	WM	12	NE SE	206	0.40	VIKING BUILDERS	05-23
11 S	13 E	WM	12	NW SE	201	4.80	VIKING BUILDERS	05-23
11 S	13 E	WM	15	NE NE	100	8.70	HAMILTON	05-13
11 S	13 E	WM	15	NE SW	400	5.50	MOORHEAD	05-21
11 S	13 E	WM	15	NW SW	400	14.50	MOORHEAD	05-21
11 S	13 E	WM	36	NE SE	200	1.00	CROOKED RIVER NAT'L GRASSLANDS	05-16
11 S	13 E	WM	36	NW SE	200	0.20	CROOKED RIVER NAT'L GRASSLANDS	05-16
11 S	14 E	WM	31	NE SW	200	5.80	CROOKED RIVER NAT'L GRASSLANDS	05-16
11 S	14 E	WM	31	NW SW	200	3.80	CROOKED RIVER NAT'L GRASSLANDS	05-16
12 S	13 E	WM	9	SE NW	600	6.10	DINKEL	05-06
TOTAL:						52.30		

6. Application T-10059 proposes to change the place of use to:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT#
9 S	13 E	WM	16	SE SE	500	0.90	KOWALESKI	05-22
9 S	13 E	WM	16	SW SE	500	3.60	KOWALESKI	05-23
9 S	13 E	WM	16	SE SE	500	1.60	KOWALESKI	05-23
10 S	14 E	WM	4	SE NE	300	10.80	FESSLER	05-16
11 S	13 E	WM	14	SE NW	1900	0.60	KB MANAGEMENT	05-12
11 S	13 E	WM	15	NE NE	100	8.70	HAMILTON	05-13
11 S	13 E	WM	15	SW SW	500	6.80	MOORHEAD	05-21

PROPOSED PLACE OF USE									
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT#	
11 S	13 E	WM	15	SE SW	500	13.20	MOORHEAD	05-21	
12 S	13 E	WM	9	NE SW	801	6.10	FOSTER	05-06	
TOTAL:						52.30			

7. The portion of the third right to be transferred is as follows:

Certificate: 72281, issued in the name of North Unit Irrigation District

Use: Supplemental Irrigation

Acres: 49.60

Priority Date: June 23, 1955

Rate & Duty: Maximum of 1/40 cfs per acre, and 4.0 acre-feet per acre per year.

Source: Crooked River, tributary to Deschutes River.

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q - Q	SURVEY COORDINATES
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2790 FEET EAST FROM THE W ¹ / ₄ CORNER OF SECTION 13

Authorized Place of Use:

AUTHORIZED PLACE OF USE									
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT#	
10 S	13 E	WM	35	SW SE	400	0.10	VICTORIN	05-15	
10 S	13 E	WM	35	SW SE	1300	0.20	GOICOA	05-08	
10 S	13 E	WM	35	SW SE	1700	0.30	O'MEARA	05-12	
10 S	13 E	WM	35	SE SE	1700	0.20	O'MEARA	05-12	
11 S	13 E	WM	12	NE SW	1000	0.63	PLYMOUTH ENTERPRISES LLC	05-09-1	
11 S	13 E	WM	12	NE SW	1100	0.12	PLYMOUTH ENTERPRISES LLC	05-09-1	
11 S	13 E	WM	12	NE SW	1200	0.15	PLYMOUTH ENTERPRISES LLC	05-09-1	
11 S	13 E	WM	12	NE SW	1300	0.15	REYNOLDS	05-09-3	
11 S	13 E	WM	12	NE SW	1400	0.13	PLYMOUTH ENTERPRISES LLC	05-09-1	
11 S	13 E	WM	12	NE SW	1500	0.18	WRIGHT	05-09-7	
11 S	13 E	WM	12	NE SW	1600	0.19	LEACH	05-09-2	
11 S	13 E	WM	12	NE SW	1700	0.11	SWAGGERTY	05-09-6	
11 S	13 E	WM	12	NE SW	1800	0.06	PEREZ	05-09-4	
11 S	13 E	WM	12	NE SW	1900	0.01	PLYMOUTH ENTERPRISES LLC	05-09-1	
11 S	13 E	WM	12	NE SW	2000	0.08	BROOKS	05-09-5	
11 S	13 E	WM	12	NE SW	2100	0.16	PLYMOUTH ENTERPRISES LLC	05-09-1	
11 S	13 E	WM	12	NE SW	2200	0.14	PLYMOUTH ENTERPRISES LLC	05-09-1	
11 S	13 E	WM	12	NE SW	2300	0.24	PLYMOUTH ENTERPRISES LLC	05-09-1	

AUTHORIZED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT#
11 S	13 E	WM	12	NE SW	2400	0.18	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2500	0.09	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2700	0.03	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2800	0.15	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	2900	0.15	PLYMOUTH ENTERPRISES LLC	05-09-1
11 S	13 E	WM	12	NE SW	3000	0.15	WRIGHT	05-09-8
11 S	13 E	WM	12	NE SE	206	9.1	VIKING BUILDERS	05-23
11 S	13 E	WM	12	NW SE	201	4.40	VIKING BUILDERS	05-23
11 S	13 E	WM	15	SW SW	500	6.80	MOORHEAD	05-21
11 S	13 E	WM	15	SE SW	500	13.20	MOORHEAD	05-21
11 S	13 E	WM	15	NE SE	101	5.40	HAMILTON	05-13
11 S	13 E	WM	23	SW SW	1500	0.80	PALUCK	05-05
11 S	13 E	WM	23	SW SE	3300	1.10	CAMPBELL	05-17
12 S	13 E	WM	9	NW NW	600	1.80	DINKEL	05-07
12 S	13 E	WM	17	NE SW		0.50	FIELDCREST INVESTMENTS LLC	05-19
12 S	13 E	WM	17	NE SW		1.20	FIELDCREST INVESTMENTS LLC	05-20
12 S	13 E	WM	17	NW SW		0.90	FIELDCREST INVESTMENTS LLC	05-19
13 S	13 E	WM	29	NE SE	700	0.50	DAVISON	05-10
TOTAL:						49.60		

8. Application T-10059 proposes to change the place of use to:

PROPOSED PLACE OF USE								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #
9 S	13 E	WM	16	SW SE	500	0.70	KOWALESKI	05-23
9 S	13 E	WM	16	SE SE	500	1.90	KOWALESKI	05-23
9 S	13 E	WM	21	NE NE	100	10.90	KOWALESKI	05-23
11 S	13 E	WM	14	SE NW	1900	0.80	KB MANAGEMENT	05-05
11 S	13 E	WM	14	SE NW	1900	0.50	KB MANAGEMENT	05-12
11 S	13 E	WM	15	NE NE	100	0.20	HAMILTON	05-08
11 S	13 E	WM	15	NE NE	100	2.18	HAMILTON	05-09-1
11 S	13 E	WM	15	NE NE	100	0.19	HAMILTON	05-09-2
11 S	13 E	WM	15	NE NE	100	0.15	HAMILTON	05-09-3
11 S	13 E	WM	15	NE NE	100	0.06	HAMILTON	05-09-4
11 S	13 E	WM	15	NE NE	100	0.08	HAMILTON	05-09-5
11 S	13 E	WM	15	NE NE	100	0.11	HAMILTON	05-09-6
11 S	13 E	WM	15	NE NE	100	0.18	HAMILTON	05-09-7
11 S	13 E	WM	15	NE NE	100	0.15	HAMILTON	05-09-8
11 S	13 E	WM	15	NE NE	100	5.40	HAMILTON	05-13

PROPOSED PLACE OF USE									
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	NOT #	
11 S	13 E	WM	15	NE NE	100	0.10	HAMILTON	05-15	
11 S	13 E	WM	15	NE NE	100	1.10	HAMILTON	05-17	
11 S	13 E	WM	15	NE SW	400	5.50	MOORHEAD	05-21	
11 S	13 E	WM	15	NW SW	400	14.50	MOORHEAD	05-21	
12 S	13 E	WM	6	NW NW	200	1.40	MILLER TRUST	05-19	
12 S	13 E	WM	6	NW NW	202	1.20	MILLER	05-20	
12 S	13 E	WM	9	SE NW	600	1.80	DINKEL	05-07	
13 S	13 E	WM	29	NE SE	700	0.50	DAVISON	05-10	
TOTAL:						49.60			

Portion of Water Use Permit Not to be Perfected

- North Unit Irrigation District identified that the owner of lands to which a portion of Water Use Permit S-47284 is appurtenant will not perfect the following described portion of the water use permit due to the proposed place of use for Certificate 82283 under Notice of District Permanent Transfer (NOT #) 05-16 .

Permit: S-47284, issued in the name of North Unit Irrigation District

Use: Irrigation

Acres: 10.80

Priority Date: October 21, 1982

Rate & Duty: Maximum of 1/40 cfs per acre & 4.0 acre-feet per acre per year.

Source: Crooked River, tributary to Deschutes River

Authorized Point of Diversion:

TWP	RNG	MER	SEC	Q-Q	SURVEY COORDINATES
14 S	13 E	WM	13	SW NE	590 FEET NORTH AND 2,790 FEET EAST FROM THE W¼ CORNER OF SECTION 13

Authorized Place of Use:

PLACE OF USE NOT TO BE PERFECTED – WATER USE PERMIT 47284								
TWP	RNG	MER	SEC	Q - Q	TL	ACRES	USER	
10 S	14 E	WM	4	SE NE	300	10.80	FESSLER	

Transfer Review Criteria (OAR 690-385-5000)

- The district permanent transfer application satisfies the criteria of OAR 690-385-4000, contains the information required under OAR 690-385-2000, and includes maps meeting the requirements of OAR 690-385-2200.
- The water rights are subject to transfer as defined in OAR 690-385-0100(17).
- The proposed change in place of use would not result in enlargement of the rights.
- The proposed change in place of use would not result in injury to other water rights
- The application was not filed prior to the end of the calendar year in which the changes occur as required under ORS 540.580(2). However, the District had notified the

Department of the proposed changes in accordance with ORS 540.580(3). The Department's review of the noticed changes found they caused no injury. Having found no injury, the Department was not required to order the District to cease delivery of water or mitigate injury as authorized by ORS 540.580(5). Although the filing date of the application represents a failure to comply with statutory criteria, the late filing does not warrant issuance of notice of violation nor does it produce measurable or irreparable harm to the use of the state's water resources and the public interest.

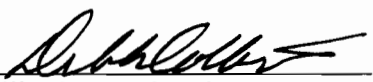
Conclusions of Law

The proposed changes in place of use in Transfer Application T-10059 satisfy the requirements of ORS 540.574(3) and 540.580, with the exception that the application was not received prior to the end of the calendar year in which a change in place of use occurs as required under ORS 540.580(2). See *Finding of Fact #13*.

Now, therefore, it is ORDERED:

1. The proposed changes to the water rights evidenced by Certificates 72279, 72281 and 72283 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 Certificates 72279, 72281 and 72283 and any related decree.
3. The former place of use shall no longer be irrigated as part of this water right.
4. The proposed change shall be completed on or before October 1, 2009.
5. The portion of Water Use Permit S-47284 described in *Finding of Fact #9* shall not be perfected under the terms and conditions of the water use permit.
6. A Claim of Beneficial Use shall be submitted by the applicant to the Department by October 1, 2010.
7. Certificates 72279, 72281 and 72283 are modified. The Department will issue a superseding certificate on a determination that it is necessary to produce a certificate describing the right.

Dated at Salem, Oregon this 13th day of November, 2008.


Phillip C. Ward, Director *PCW*

Mailing Date: NOV 18 2008