



**Priority Date:** DECEMBER 29, 1971  
**Rate:** 10.38 CUBIC FEET PER SECOND  
**Source:** OPAL SPRINGS, tributary to the CROOKED RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	12 E	WM	33	SW NE	1215.44 FEET NORTH AND 1939.84 FEET WEST FROM THE E1/4 CORNER OF SECTION 33

**Authorized Place of Use:**

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
9 S	13 E	WM	14	SW ¼
9 S	13 E	WM	14	SW SE
9 S	13 E	WM	15	NE SW
9 S	13 E	WM	15	SE SW
9 S	13 E	WM	15	SE ¼
9 S	13 E	WM	16	SE SW
9 S	13 E	WM	16	SW SE
9 S	13 E	WM	16	SE SE
9 S	13 E	WM	20	SE NE
9 S	13 E	WM	20	NE SE
9 S	13 E	WM	20	SW SE
9 S	13 E	WM	20	SE SE
9 S	13 E	WM	21	ALL
9 S	13 E	WM	22	ALL
9 S	13 E	WM	23	ALL
9 S	13 E	WM	24	SW NW
9 S	13 E	WM	24	SW ¼
9 S	13 E	WM	24	NW SE
9 S	13 E	WM	24	SW SE
9 S	13 E	WM	25	W ½ W ½
9 S	13 E	WM	26	ALL
9 S	13 E	WM	27	ALL
9 S	13 E	WM	28	ALL
9 S	13 E	WM	29	E ½
9 S	13 E	WM	32	NE ¼
9 S	13 E	WM	32	S ½
9 S	13 E	WM	33	ALL
9 S	13 E	WM	34	ALL
9 S	13 E	WM	35	ALL
9 S	13 E	WM	36	W ½ W ½
9 S	14 E	WM	20	ALL
9 S	14 E	WM	29	ALL
9 S	14 E	WM	31	E ½
9 S	14 E	WM	32	ALL
10 S	13 E	WM	1	W ½ W ½
10 S	13 E	WM	1	SE SW
10 S	13 E	WM	1	SW SE
10 S	13 E	WM	1	SE SE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
10 S	13 E	WM	2	ALL
10 S	13 E	WM	3	ALL
10 S	13 E	WM	4	ALL
10 S	13 E	WM	5	ALL
10 S	13 E	WM	8	NE ¼
10 S	13 E	WM	8	S ½ NW
10 S	13 E	WM	8	SW ¼
10 S	13 E	WM	8	SE ¼
10 S	13 E	WM	9	ALL
10 S	13 E	WM	10	ALL
10 S	13 E	WM	11	ALL
10 S	13 E	WM	12	ALL
10 S	13 E	WM	13	ALL
10 S	13 E	WM	14	ALL
10 S	13 E	WM	15	ALL
10 S	13 E	WM	16	ALL
10 S	13 E	WM	17	ALL
10 S	13 E	WM	18	NE NE
10 S	13 E	WM	18	SW NE
10 S	13 E	WM	18	SE NE
10 S	13 E	WM	18	SE ¼
10 S	13 E	WM	19	E ½
10 S	13 E	WM	19	E ½ SW
10 S	13 E	WM	20	ALL
10 S	13 E	WM	21	ALL
10 S	13 E	WM	22	ALL
10 S	13 E	WM	23	ALL
10 S	13 E	WM	24	ALL
10 S	13 E	WM	25	ALL
10 S	13 E	WM	26	ALL
10 S	13 E	WM	27	ALL
10 S	13 E	WM	28	ALL
10 S	13 E	WM	29	N ½
10 S	13 E	WM	29	NE SE
10 S	13 E	WM	29	NW SE
10 S	13 E	WM	29	SE SE
10 S	13 E	WM	30	NE ¼
10 S	13 E	WM	33	N ½
10 S	13 E	WM	33	NE SW
10 S	13 E	WM	33	SE SW
10 S	13 E	WM	33	SE ¼
10 S	13 E	WM	34	ALL
10 S	13 E	WM	35	ALL
10 S	13 E	WM	36	ALL
10 S	14 E	WM	4	W ½
10 S	14 E	WM	5	ALL
10 S	14 E	WM	6	E ½
10 S	14 E	WM	6	SW SW
10 S	14 E	WM	6	SE SW
10 S	14 E	WM	7	ALL

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
10 S	14 E	WM	8	ALL
10 S	14 E	WM	9	W ½
10 S	14 E	WM	16	NW NE
10 S	14 E	WM	16	NW ¼
10 S	14 E	WM	16	NE SW
10 S	14 E	WM	16	NW SW
10 S	14 E	WM	16	SW SW
10 S	14 E	WM	17	ALL
10 S	14 E	WM	18	ALL
10 S	14 E	WM	19	ALL
10 S	14 E	WM	20	N ½
10 S	14 E	WM	20	SW ¼
10 S	14 E	WM	20	NW SE
10 S	14 E	WM	20	SW SE
10 S	14 E	WM	20	SE SE
10 S	14 E	WM	21	SW SW
10 S	14 E	WM	21	SE SW
10 S	14 E	WM	28	NE NW
10 S	14 E	WM	28	NW NW
10 S	14 E	WM	29	ALL
10 S	14 E	WM	30	ALL
10 S	14 E	WM	31	ALL
10 S	14 E	WM	32	ALL
11 S	12 E	WM	1	E ½
11 S	12 E	WM	1	E ½ W ½
11 S	12 E	WM	10	SE SE
11 S	12 E	WM	11	S ½ S ½
11 S	12 E	WM	12	E ½
11 S	12 E	WM	12	E ½ W ½
11 S	12 E	WM	12	SW SW
11 S	12 E	WM	13	ALL
11 S	12 E	WM	14	N ½
11 S	12 E	WM	14	NE SW
11 S	12 E	WM	14	SE SW
11 S	12 E	WM	14	SE ¼
11 S	12 E	WM	22	SE NE
11 S	12 E	WM	22	NE SE
11 S	12 E	WM	23	E ½
11 S	12 E	WM	23	E ½ W ½
11 S	12 E	WM	23	SW NW
11 S	12 E	WM	23	NW SW
11 S	12 E	WM	24	ALL
11 S	12 E	WM	25	E ½
11 S	12 E	WM	25	E ½ W ½
11 S	12 E	WM	25	NW NW
11 S	12 E	WM	35	E ½ E ½
11 S	12 E	WM	35	SE SW
11 S	12 E	WM	35	SW SE
11 S	12 E	WM	36	ALL
11 S	13 E	WM	1	ALL

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
11 S	13 E	WM	2	ALL
11 S	13 E	WM	3	ALL
11 S	13 E	WM	4	ALL
11 S	13 E	WM	6	W ½
11 S	13 E	WM	6	NW SE
11 S	13 E	WM	6	SW SE
11 S	13 E	WM	7	ALL
11 S	13 E	WM	8	ALL
11 S	13 E	WM	9	ALL
11 S	13 E	WM	10	ALL
11 S	13 E	WM	11	ALL
11 S	13 E	WM	12	ALL
11 S	13 E	WM	13	ALL
11 S	13 E	WM	14	ALL
11 S	13 E	WM	15	ALL
11 S	13 E	WM	16	ALL
11 S	13 E	WM	17	ALL
11 S	13 E	WM	18	ALL
11 S	13 E	WM	19	ALL
11 S	13 E	WM	20	ALL
11 S	13 E	WM	21	ALL
11 S	13 E	WM	22	ALL
11 S	13 E	WM	23	ALL
11 S	13 E	WM	24	ALL
11 S	13 E	WM	25	N ½
11 S	13 E	WM	25	NE SW
11 S	13 E	WM	25	NW SW
11 S	13 E	WM	25	SE ¼
11 S	13 E	WM	26	ALL
11 S	13 E	WM	27	ALL
11 S	13 E	WM	28	ALL
11 S	13 E	WM	29	ALL
11 S	13 E	WM	30	ALL
11 S	13 E	WM	31	ALL
11 S	13 E	WM	32	ALL
11 S	13 E	WM	33	ALL
11 S	13 E	WM	34	NW NE
11 S	13 E	WM	34	SW NE
11 S	13 E	WM	34	W ½
11 S	13 E	WM	34	NW SE
11 S	13 E	WM	34	SW SE
11 S	13 E	WM	34	SE SE
11 S	13 E	WM	36	NE ¼
11 S	14 E	WM	4	N ½ N ½
11 S	14 E	WM	5	N ½ N ½
11 S	14 E	WM	5	SW NW
11 S	14 E	WM	5	SE NW
11 S	14 E	WM	5	NW SW
11 S	14 E	WM	5	SW SW
11 S	14 E	WM	6	ALL

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
11 S	14 E	WM	7	NE NE
11 S	14 E	WM	7	NW NE
11 S	14 E	WM	7	W ½
11 S	14 E	WM	8	NW NW
11 S	14 E	WM	8	SW NW
11 S	14 E	WM	8	NE SW
11 S	14 E	WM	8	NW SW
11 S	14 E	WM	18	NW NW
11 S	14 E	WM	30	NW SW
11 S	14 E	WM	30	SW SW
11 S	14 E	WM	31	NW ¼
12 S	12 E	WM	1	ALL
12 S	12 E	WM	2	E ½
12 S	12 E	WM	11	E ½
12 S	12 E	WM	12	ALL
12 S	12 E	WM	13	ALL
12 S	12 E	WM	14	E ½
12 S	12 E	WM	23	E ½
12 S	12 E	WM	23	NE NW
12 S	12 E	WM	23	SE NW
12 S	12 E	WM	23	NE SW
12 S	12 E	WM	23	SE SW
12 S	12 E	WM	24	ALL
12 S	12 E	WM	25	ALL
12 S	12 E	WM	26	ALL
12 S	12 E	WM	27	SE NE
12 S	12 E	WM	27	SE ¼
12 S	12 E	WM	33	E ½
12 S	12 E	WM	34	ALL
12 S	12 E	WM	35	ALL
12 S	12 E	WM	36	N ½
12 S	12 E	WM	36	SW ¼
12 S	12 E	WM	36	NW SE
12 S	13 E	WM	2	W ½
12 S	13 E	WM	3	ALL
12 S	13 E	WM	4	ALL
12 S	13 E	WM	5	ALL
12 S	13 E	WM	6	ALL
12 S	13 E	WM	7	ALL
12 S	13 E	WM	8	ALL
12 S	13 E	WM	9	ALL
12 S	13 E	WM	10	ALL
12 S	13 E	WM	11	W ½
12 S	13 E	WM	11	NW SE
12 S	13 E	WM	11	SW SE
12 S	13 E	WM	11	SE SE
12 S	13 E	WM	14	NE NE
12 S	13 E	WM	14	NW NE
12 S	13 E	WM	14	SW NE
12 S	13 E	WM	14	NW ¼

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
12 S	13 E	WM	14	NE SW
12 S	13 E	WM	14	NW SW
12 S	13 E	WM	14	SW SW
12 S	13 E	WM	15	ALL
12 S	13 E	WM	16	ALL
12 S	13 E	WM	17	ALL
12 S	13 E	WM	18	ALL
12 S	13 E	WM	19	ALL
12 S	13 E	WM	20	ALL
12 S	13 E	WM	21	ALL
12 S	13 E	WM	22	ALL
12 S	13 E	WM	23	NW NW
12 S	13 E	WM	23	SW NW
12 S	13 E	WM	23	NW SW
12 S	13 E	WM	23	SW SW
12 S	13 E	WM	27	NE ¼
12 S	13 E	WM	27	NW ¼
12 S	13 E	WM	28	N ½
12 S	13 E	WM	28	NE SW
12 S	13 E	WM	28	NW SW
12 S	13 E	WM	28	NE SE
12 S	13 E	WM	28	NW SE
12 S	13 E	WM	29	N ½
12 S	13 E	WM	29	SW ¼
12 S	13 E	WM	29	N ½ SE
12 S	13 E	WM	30	ALL
12 S	13 E	WM	31	N ½ NW
13 S	12 E	WM	1	N ½ NW
13 S	12 E	WM	1	SW NW
13 S	12 E	WM	1	W ½ SW
13 S	12 E	WM	2	ALL
13 S	12 E	WM	3	N ½
13 S	12 E	WM	11	N ½
13 S	12 E	WM	11	SE ¼
13 S	12 E	WM	12	W ½ W ½
13 S	12 E	WM	13	NW NW
13 S	12 E	WM	14	NE NE

4. Transfer Application T- 9720 proposes to move the authorized surface water point of diversion to nine ground water points of appropriation less than 2,100 feet south:

Well ID	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well #1	12 S	12 E	WM	33	SW NE	815 FEET NORTH AND 2,023 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #2	12 S	12 E	WM	33	SW NE	545 FEET NORTH AND 1,960 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #3	12 S	12 E	WM	33	NW SE	78 FEET SOUTH AND 1,890 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #4	12 S	12 E	WM	33	NW SE	503 FEET SOUTH AND 1,833 FEET WEST FROM THE E1/4 CORNER OF SECTION 33

Well ID	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well #5	12 S	12 E	WM	33	SW NE	304 FEET NORTH AND 1,856 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #6	12 S	12 E	WM	33	NW SE	790 FEET SOUTH AND 1,869 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #7	12 S	12 E	WM	33	SW NE	815 FEET NORTH AND 2,164 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #8	12 S	12 E	WM	33	SW NE	475 FEET NORTH AND 2,169 FEET WEST FROM THE E1/4 CORNER OF SECTION 33
Well #9	12 S	12 E	WM	33	SW NE	220 FEET NORTH AND 2,203 FEET WEST FROM THE E1/4 CORNER OF SECTION 33

5. Notice of the application for transfer was published on May 25, 2004, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On July 6, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-9720 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 10, 2009, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant and agent are authorized to pursue the transfer by the deadline.
7. On August 11, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-9720 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 August 11, 2009, and in the Madras Pioneer newspaper on August 26 and September 2 and 9, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

8. Water has been used within the five-year period prior to submittal of the original transfer application 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.
9. The proposed wells meet the requirements of ORS 540.531 and are hydraulically connected to the authorized surface water source as per OAR 690-380-2130(3).
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

The change from a surface water point of diversion to ground water points of appropriation proposed in Transfer Application T-9720 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000.




**Now, therefore, it is ORDERED:**

1. The change from a surface water point of diversion to ground water points of appropriation proposed in application T-9720 is approved.
2. Water right certificate 83733 is cancelled.
3. 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 83733 and any related decree.
4. 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 diversion.
5. The wells from which water is taken under the right shall be constructed so that the use of the wells will affect the authorized surface water source.
6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.
7. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new points of appropriation shall be subordinate to the existing right injured by the transfer.
8. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.
9. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. 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 change and full beneficial use of the water.

11. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 19<sup>th</sup> day of October 2009.

  
Phillip C. Ward, Director *PCW*

Mailing date: OCT 21 2009