

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	33	NE NE

Authorized Place of Use:

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	33	NE NE	6.0
26 S	6 W	WM	33	SE NE	10.5
26 S	6 W	WM	34	NE NW	4.0
26 S	6 W	WM	34	NW NW	18.0
26 S	6 W	WM	34	SW NW	14.0
26 S	6 W	WM	34	SE NW	4.0

4. Certificate 8887 does not describe the survey coordinates of the point of diversion, however information is available from the Certified Water Rights Examiner and the applicant indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
26 S	6 W	WM	33	NE NE	54	400 FEET SOUTH AND 2770 FEET WEST FROM THE N1/4 CORNER OF SECTION 34

5. Certificate 8887 does not describe the authorized location for the domestic use, however information is available from the Certified Water Rights Examiner and the applicant indicating that the place of use for the domestic portion of Certificate 8887 is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
26 S	6 W	WM	33	NE NE	54

6. Transfer Application T-6847 proposes two changes in character of use. The first proposal is to change 0.8 acre of irrigation to pond maintenance. The second request is to change the character of use from domestic to commercial.

7. Transfer Application T-6847 proposes to change the place of use of the right to:

COMMERCIAL USES				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	34	NE SW

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
26 S	6 W	WM	33	NE NE		54	7.5
26 S	6 W	WM	33	SE NE		54	4.0
26 S	6 W	WM	34	NE NW	3		8.4
26 S	6 W	WM	34	NW NW		54	4.8
26 S	6 W	WM	34	NW NW	2		3.7
26 S	6 W	WM	34	SW NW	4		8.6
26 S	6 W	WM	34	SW NW		54	7.5
26 S	6 W	WM	34	SE NW			11.2

POND MAINTENANCE					
Twp	Rng	Mer	Sec	Q-Q	DLC
26 S	6 W	WM	33	SE NE	54
26 S	6 W	WM	34	SW NW	54

8. Certificate 8887 does not identify an instantaneous rate to be associated with the domestic portion of the certificate. The Department has determined that the amount of water that could have been beneficially used for the domestic portion of the certificate is approximately 0.01 cfs.
9. The rate associated with 0.8 acre of irrigation under Certificate 8887 proposed to be changed to pond maintenance is approximately 0.01 cfs during the period March – October of each year.
10. The applicant has agreed to limit the commercial use of water to 0.01 cfs and include this quantity of water in the total quantity of water used under the right. These limitations are sufficient to ensure that the right is not enlarged. This is clarified in the following table:

Previous Use	Rate (cfs) transferred	New Use
Domestic	0.01 (included in rate allocated to IR)	Commercial
IR of 0.8 acres	0.01	Pond Maintenance
IR of 56.5 acres	0.67	N/A
Total cfs diverted	0.68	

11. Notice of the application for transfer was published on November 18, 1992, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On October 18, 2007, the Department mailed a copy of the *draft* Preliminary Determination proposing to approve Transfer Application T-6847 to the applicant. The cover letter that accompanied the *draft* Preliminary Determination set forth a deadline of November 19, 2007, for the applicant to respond with comments. On October 21, 2007, the authorized agent requested that the Department proceed with issuance of a Preliminary Determination.
13. On November 14, 2007, the Department issued a Preliminary Determination proposing to approve Transfer Application T-6847 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 November 20, 2007, and in the News Review newspaper on December 9, 16 and 23, 2007, 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)]

14. Water was used within the five-year period prior to submittal of Transfer Application T-6847 according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

15. A pump and pipeline system 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-6847.
16. The proposed changes, as conditioned and outlined in Finding of Fact #10, would not result in enlargement of the right.
17. The proposed changes would not result in injury to other water rights.


Conclusions of Law

The changes in place of use and character of use proposed in Transfer Application T-6847 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 place of use and character of use proposed in Transfer Application T-6847 are approved.
2. Water right certificate 8887 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 8887 and any related decree.
4. Water shall no longer be used for domestic purposes.
5. When required by the Department, the water user shall install, maintain and operate 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. 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.
7. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28th day of January, 2008.


 Phillip C. Ward, Director

PN

Mailing Date: 1-31-08