

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23S	31E	WM	5	SW NW	600 FEET EAST AND 880 FEET NORTH FROM THE W¼ CORNER OF SECTION 5.

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23S	31E	WM	5	NE NW	3	1.2
23S	31E	WM	5	NW NW	4	1.70
23S	31E	WM	5	SW NW		32.3
23S	31E	WM	5	SE NW		26.6

- Application T-10362 proposes to add a point of appropriation to reflect historical use. The historic point of appropriation is approximately 1000 feet from the existing point of appropriation which is located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23S	31E	WM	5	NW SW	40 FEET SOUTH AND 80 FEET EAST FROM THE W¼ CORNER OF SECTION 5.

- Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

- Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of appropriation for the water right in question, has been used for more than 10 years.
- Pursuant to OAR 690-380-2120(2)(c) the Watermaster provided a statement that to her knowledge there has been no complaint of injury due to the use of water at the actual, current point of appropriation, prior to the transfer request.
- The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
- Water has been used within the last five years according to the terms and conditions of the right. No evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change will not result in enlargement of the right.
- The proposed change will not result in injury to other water rights.

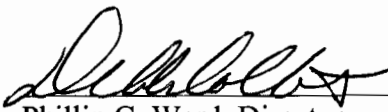
Conclusions of Law

The proposed change in point of appropriation to reflect historical use in application T-10362 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 proposed in T-10362 is approved and effective immediately.
2. Water right certificate 35134 is cancelled. Certificate 84121 will be issued to describe the change in point of appropriation for the portion of the right included in T-10362. Certificate 84120 shall be issued to describe the portion of Certificate 35134 not modified by this order. Together, Certificates 84121 and 84120 shall supersede Certificate 35134.
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 35134 and any related decree.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. When required by the Department, the water user shall install, maintain and operate an in-line flow meter 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.

Dated at Salem, Oregon this 30th day of April 2008.


ta Phillip C. Ward, Director

Mailing date: MAY 02 2008