

Source: A WELL, a tributary of BUTTE CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 S	1 E	WM	19	NW NE	570 feet South and 2420 feet West from the NE corner of Section 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	18	SE SW	0.3
5 S	1 E	WM	18	SW SE	19.7
5 S	1 E	WM	18	SE SE	19.0
5 S	1 E	WM	19	NE NE	39.0
5 S	1 E	WM	19	NW NE	32.9
5 S	1 E	WM	20	SW NW	40.0

4. Application T-9811 proposes to add the following three points of appropriation, located between approximately 0.21 mile and 0.27 mile from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 S	1 E	WM	18	SW SE	Well 3 - 630 feet North and 2460 feet West from the SE corner of Section 18
5 S	1 E	WM	18	SE SE	Well 4 - 630 feet North and 1180 feet West from the SE corner of Section 18
5 S	1 E	WM	19	NE NW	Well 5 - 490 feet South and 3950 feet West from the NE corner of Section 19

5. The SECOND right to be transferred is as follows:

Certificate: 44143 in the name of HESSEL BIERMA (perfected under Permit G-6083)

Use: IRRIGATION of 19.2 ACRES

Priority Date: JANUARY 24, 1975

Rate: 0.24 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 2.5 acre feet per acre per year

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Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 S	1 E	WM	19	NW NE	570 feet South and 2420 feet West from the NE corner of Section 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	19	NE NW	19.2

6. Application T-9811 proposes to add the following three points of appropriation, located between approximately 0.21 mile and 0.27 mile from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 S	1 E	WM	18	SW SE	Well 3 - 630 feet North and 2460 feet West from the SE corner of Section 18
5 S	1 E	WM	18	SE SE	Well 4 - 630 feet North and 1180 feet West from the SE corner of Section 18
5 S	1 E	WM	19	NE NW	Well 5 - 490 feet South and 3950 feet West from the NE corner of Section 19

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

Certificate: 51883 in the name of HESSEL BIERMA (perfected under Permit G-6711)

Use: SUPPLEMENTAL IRRIGATION of 170.1 ACRES

Priority Date: MARCH 1, 1976

Rate: 0.54 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 2.5 acre feet per acre per year

Source: WELL 2, a tributary of ROCK CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 S	1 E	WM	19	NE NE	530 feet South and 670 feet West from the NE corner of Section 19

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	18	SE SW	0.3
5 S	1 E	WM	18	SW SE	19.7
5 S	1 E	WM	18	SE SE	19.0
5 S	1 E	WM	19	NE NE	39.0
5 S	1 E	WM	19	NW NE	32.9
5 S	1 E	WM	19	NE NW	19.2
5 S	1 E	WM	20	SW NW	40.0

8. Application T-9811 proposes to add the following three points of appropriation, located between approximately 0.22 mile and 0.6 mile from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 S	1 E	WM	18	SW SE	Well 3 - 630 feet North and 2460 feet West from the SE corner of Section 18
5 S	1 E	WM	18	SE SE	Well 4 - 630 feet North and 1180 feet West from the SE corner of Section 18
5 S	1 E	WM	19	NE NW	Well 5 - 490 feet South and 3950 feet West from the NE corner of Section 19

9. Notice of the application for transfer was published on November 23, 2004, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

10. On August 21, 2006, the Department issued a preliminary determination proposing to approve Transfer Application T-9811 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 29, 2006, and in a local newspaper on November 1, 8 and 15, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice or to the newspaper notice.
11. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

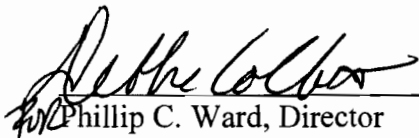
The proposed change in Transfer Application T-9811 to add three points of appropriation is consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The proposed change in Transfer Application T-9811 to add three points of appropriation is approved.
2. The right to 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 44142, 44143 and 51883 and any related decree.
3. Water Right Certificates 44142, 44143 and 51883 are cancelled. New certificates will be issued for the portions of the rights evidenced by Certificates 44142 and 51883 NOT affected by this transfer.
4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. 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 required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. 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.
8. When satisfactory proof of the completed change is received, new certificates confirming the portions of the rights transferred will be issued.

Dated at Salem, Oregon this 20th day of December 2006.


Phillip C. Ward, Director

Mailing date: DEC 26 2006