

irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: A WELL within the Deschutes River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
14 S	10 E	WM	35	SE NW	1372 FEET SOUTH AND 1446 FEET EAST FROM NW CORNER OF SECTION 35

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	10 E	WM	35	NE NW	10.18
14 S	10 E	WM	35	SE NW	0.38

- Transfer Application T-10448 proposes to move the authorized point of appropriation approximately 18 feet south and 344 feet east from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
14 S	10 E	WM	35	SE NW	1390 FEET SOUTH AND 1790 FEET EAST FROM THE NW CORNER OF SECTION 35

- Notice of the application for transfer was published on September 4, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On May 7, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10448 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 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 is authorized to pursue the transfer, including a notarized affidavit consenting to the proposed transfer from the co-owner (Lori H. Larson) of the property to which water right Certificate 83142 is appurtenant.
- On August 27, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10448 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 September 1, 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)

- Water has been used within the last five years 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.
- A pump, pipeline, and sprinkler 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-10448.

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 in point of appropriation proposed in Transfer Application T-10448 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in Transfer Application T-10448 is 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 Certificate 83142 and any related decree.
3. Water right certificate 83142 is cancelled.
4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. The Director may require the water user to install a totalizing a flow meter or other suitable measuring devices at each point of appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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.
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 2nd day of October 2009.


Phillip C. Ward, Director *PCW*

Mailing date: OCT 08 2009