

5. On May 13, 2011, the applicants submitted an amended application converting the application from a Permit Amendment under Permit G-12169 to a transfer under Certificate 86846.

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

Certificate: 86846 in the name of ROBERT AND PAMELA ZIELINSKI (perfected under Permit G-12169)
Use: IRRIGATION OF 36.7 ACRES
Priority Date: JANUARY 31, 1994
Rate: 0.46 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: March 1 through October 31.
Source: A WELL (WELL NO. 4) within the PATTERSON CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	2 W	WM	32	NE SW	WELL 4 - 2470 FEET SOUTH AND 530 FEET WEST FROM THE NE CORNER OF LADTROOTE DLC 52

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	2 W	WM	32	SW NW	52	30.3
5 S	2 W	WM	32	NW SW	52	6.4

7. Transfer Application T-7989 proposes two additional points of appropriation approximately 2200 feet southwest to Well 3, and 2800 feet northwest to Well 5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	2 W	WM	31	SE NE	52	WELL 5 - 450 FEET NORTH AND 800 FEET WEST FROM THE E¼ CORNER OF SECTION 31
5 S	2 W	WM	31	NE SE	52	WELL 3 - 3000 FEET SOUTH AND 2640 FEET WEST FROM THE NE CORNER OF LADTROOTE DLC 52

8. Notice of the application for transfer was published on April 28, 1998, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

9. On August 25, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-7989 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 25, 2011, for the applicants to

respond. The applicants 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.

10. On October 17, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-7989 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on October 18, 2011, and in the Woodburn Independent newspaper on November 9, 16, and 23, 2011, 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)

11. 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. Water Right Certificate 86846 was issued on April 1, 2011.
12. 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-7989.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-7989 are 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 additional points of appropriation proposed in Transfer Application T-7989 are 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 86846 and any related decree.
3. Water right certificate 86846 is cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
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, 2013**. A Claim of Beneficial Use prepared by a Certified Water Right 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 27 day of December 2011.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: DEC 28 2011