

Source: LOSTINE RIVER, tributary to the WALLOWA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	27	NW SE	2870 FEET SOUTH AND 220 FEET EAST FROM THE N1/4 CORNER OF SECTION 27

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	5	NW SW	22.0

3. Application T-11218 proposes to change the place of use of the supplemental right to lands with the same underlying primary water right:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	5	NW NW	22.0

4. Notice of the application for transfer was published on April 5, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On November 9, 2011, the Department mailed a copy of the Draft Preliminary Determination proposing to approve Transfer Application T-11218 to the applicants. The Draft Preliminary Determination cover letter set forth a deadline of December 9, 2011, for the applicants to respond. The applicant's agent requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
6. On January 12, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11218 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 January 17, 2012, 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(2)]

7. 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.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-11218.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

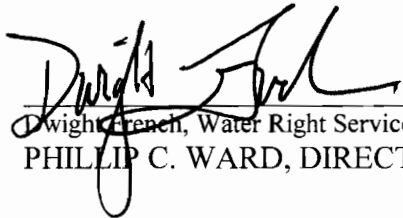
Conclusions of Law

The change in place of use proposed in Transfer Application T-11218 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 in place of use proposed in application T-11218 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 65175 and any related decree.
3. Water right certificate 65175 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
6. The former place of use of the transferred right shall no longer receive water under the right.
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 17 day of February, 2012.



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

Mailing date: FEB 24 2012