

October 22 and 29, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 88990 in the name of RATTLESNAKE CREEK LAND AND CATTLE CO LLC (perfected under Permit G-12841)

Use: IRRIGATION of 393.5 ACRES

Priority Date: JULY 20, 1995

Rate: 4.92 CUBIC FEET 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), and 3.0 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 in the HARNEY LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	30 E	WM	33	NE NW	1317 FEET SOUTH AND 1355 FEET EAST FROM THE NW CORNER OF SECTION 33

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	30 E	WM	28	NW SW	30.8
25 S	30 E	WM	28	SW SW	33.6
25 S	30 E	WM	29	NE SE	33.6
25 S	30 E	WM	29	NW SE	2.6
25 S	30 E	WM	29	SW SE	3.5
25 S	30 E	WM	29	SE SE	38.0
25 S	30 E	WM	32	NE NE	34.9
25 S	30 E	WM	32	NW NE	31.1
25 S	30 E	WM	32	SW NE	31.0
25 S	30 E	WM	32	SE NE	31.2
25 S	30 E	WM	33	NE NW	30.0
25 S	30 E	WM	33	NW NW	32.9
25 S	30 E	WM	33	SW NW	30.2
25 S	30 E	WM	33	SE NW	30.1

6. Transfer Application T-11733 proposes to add nine authorized points of appropriation, described as follows, with approximate distances from the existing point of appropriation as identified below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Well 1
25 S	30 E	WM	33	SE SW	WELL 5 - 4195 FEET SOUTH AND 2672 FEET WEST FROM THE NE CORNER OF SECTION 33	0.6 mile

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Well 1
25 S	30 E	WM	34	SE SW	WELL 7 - 4725 FEET SOUTH AND 1877 FEET EAST FROM THE NW CORNER OF SECTION 34	1.3 miles
25 S	30 E	WM	33	SE SW	WELL 9 - 4423 FEET SOUTH AND 2750 WEST FROM THE NE CORNER OF SECTION 33	0.6 mile
26 S	30 E	WM	3	NW NW	WELL 10 - 6310 FEET SOUTH AND 415 FEET EAST FROM THE NW CORNER OF SECTION 34	1.2 miles
26 S	30 E	WM	3	NW NW	WELL 11 - 6340 FEET SOUTH AND 330 FEET EAST FROM THE NW CORNER OF SECTION 34	1.2 miles
25 S	30 E	WM	33	SE NW	WELL 12 - 2690 FEET SOUTH AND 2890 FEET WEST FROM THE NE CORNER OF SECTION 33	0.3 mile
26 S	30 E	WM	4	NE NW	WELL 13 - 6415 FEET SOUTH AND 2745 FEET WEST FROM THE NE CORNER OF SECTION 33	1.0 mile
25 S	30 E	WM	33	SE SE	WELL 14 - 1000 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF SECTION 33	0.9 mile
25 S	30 E	WM	33	SE SE	WELL 15 - 1000 FEET NORTH AND 30 FEET WEST FROM THE SE CORNER OF SECTION 33	0.9 mile

Transfer Review Criteria (OAR 690-380-4010)

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 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-11733.
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.
11. All other application requirements are met.

Conclusions of Law

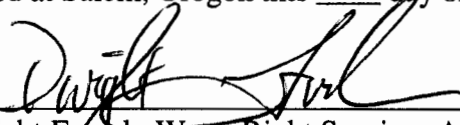
The additional points of appropriation proposed in Transfer Application T-11733 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-11733 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 88990 and any related decree.
3. Water Right Certificate 88990 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. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 2 day of December, 2014.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: DEC 16 2014