

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	8	SW NE	66	WELL #1: 1260 FEET NORTH AND 3040 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	SE NW	66	WELL #2: 1230 FEET NORTH AND 1530 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97

Well # 1 Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	8	NE NE	74	3.0
4 S	2 W	WM	8	NW NE	74	28.1
4 S	2 W	WM	8	SW NE	66	6.0
4 S	2 W	WM	8	SE NE	66	4.1
4 S	2 W	WM	8	NE NW	74	2.6

Well #2 Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	5	NW SW	74	0.1
4 S	2 W	WM	5	SW SW	74	18.3
4 S	2 W	WM	5	SE SW	74	20.0
4 S	2 W	WM	5	SW SE	74	0.9
4 S	2 W	WM	8	NW NE	74	1.1
4 S	2 W	WM	8	NE NW	74	11.8

3. Application T-10618 proposes to add three authorized points of appropriation within 0.6 mile from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	8	NE NW	74	WELL #3: 1,470 FEET NORTH AND 1,410 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	NW NW	74	WELL #4: 2,440 FEET NORTH AND 60 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	SE NW	66	WELL #5: 890 FEET NORTH AND 2,180 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97

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

Certificate: 40585 in the name of NELSON C. AND HOWARD O. TRIBBETT (perfected under Permit S-32251)

Use: SUPPLEMENTAL IRRIGATION of 285.2 ACRES

Priority Date: MAY 15, 1967

Rate: 0.70 CUBIC FOOT PER SECOND

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

Source: AN UNNAMED STREAM AND RESERVOIR, tributary to WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	7	NE NE	74	2250 FEET NORTH AND 940 FEET WEST; 2250 FEET NORTH AND 820 FEET WEST; BOTH FROM THE NORTHEAST CORNER OF DLC 97

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	6	NE SE	74	0.8
4 S	2 W	WM	6	SE SE	74	3.1

5. Application T-10618 also proposes to change the place of use of the right to:

Proposed Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	8	NE NW	66	0.1
4 S	2 W	WM	8	NE NW	74	0.1
4 S	2 W	WM	8	SE NW	66	3.7

6. The third right to be transferred is as follows:

Certificate: 40853 in the name of NELSON C. and HOWARD O. TRIBBETT (perfected under Permit G-2448)

Use: IRRIGATION OF 52.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 137.0 ACRES

Priority Date: JUNE 28, 1963

Rate: 0.01 CUBIC FOOT PER SECOND FROM WELL #1 AND 2.01 CUBIC FEET PER SECOND FROM WELL #2

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

Source: TWO WELLS in the MISSION CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	8	SW NE	66	WELL #1: 1260 FEET NORTH AND 3040 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	SE NW	66	WELL #2: 2320 FEET NORTH AND 1310 FEET WEST FROM THE NORTHEAST CORNER OF DLC 67

Wells #1 AND #2 Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	8	NE NW	74	0.1
4 S	2 W	WM	8	SE NW	66	0.4

Well #2 Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	5	SW SW	74	13.6
4 S	2 W	WM	6	NE SE	74	0.8*
4 S	2 W	WM	6	SE SE	74	22.0*
4 S	2 W	WM	7	NE NE	74	12.6
4 S	2 W	WM	8	NW NW	74	2.6
4 S	2 W	WM	8	NW NW	66	0.1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	5	SW SW	74	4.9
4 S	2 W	WM	7	NE NE	74	0.3
4 S	2 W	WM	8	NW NE	74	1.2
4 S	2 W	WM	8	SW NE	66	21.8
4 S	2 W	WM	8	NE NW	66	0.4
4 S	2 W	WM	8	NE NW	74	24.2
4 S	2 W	WM	8	NW NW	66	1.4
4 S	2 W	WM	8	NW NW	74	33.6
4 S	2 W	WM	8	SW NW	66	12.00
4 S	2 W	WM	8	SE NW	66	32.20
4 S	2 W	WM	8	NE SW	66	3.00
4 S	2 W	WM	8	NW SE	66	2.00

* marked acreages include acres proposed for change in place of use

7. Application T-10618 proposes to add three authorized points of appropriation within 0.6 mile from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	8	NE NW	74	WELL #3: 1,470 FEET NORTH AND 1,410 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	NW NW	74	WELL #4: 2,440 FEET NORTH & 60 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	SE NW	66	WELL #5: 890 FEET NORTH & 2,180 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97

8. Application T-10618 also proposes to change the place of use of the right to:

Wells #1-5 Proposed Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	8	NE NW	74	0.1
4 S	2 W	WM	8	NE NW	66	0.1
4 S	2 W	WM	8	SE NW	66	3.7

9. The fourth right to be transferred is as follows:

Certificate: 40865 in the name of NELSON C. and HOWARD O. TRIBBETT (perfected under Permit G-1651)

Use: IRRIGATION of 138.2 ACRES

Priority Date: JULY 22, 1960

Rate: 0.31 CUBIC FOOT PER SECOND

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

Source: A WELL in the MISSION CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	8	SW NE	66	1260 FEET NORTH AND 3040 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	5	SW SW	74	4.9
4 S	2 W	WM	7	NE NE	74	0.3
4 S	2 W	WM	8	NW NE	74	1.2
4 S	2 W	WM	8	SW NE	66	23.0
4 S	2 W	WM	8	NE NW	74	24.2
4 S	2 W	WM	8	NE NW	66	0.4
4 S	2 W	WM	8	NW NW	74	33.6
4 S	2 W	WM	8	NW NW	66	1.4
4 S	2 W	WM	8	SW NW	66	12.0
4 S	2 W	WM	8	SE NW	66	32.2
4 S	2 W	WM	8	NE SW	66	3.0
4 S	2 W	WM	8	NW SE	66	2.0

10. Application T-10618 proposes to add three authorized points of appropriation within 0.6 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	8	NE NW	74	WELL #3: 1,470 FEET NORTH AND 1,410 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	NW NW	74	WELL #4: 2,440 FEET NORTH AND 60 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97
4 S	2 W	WM	8	SE NW	66	WELL #5: 890 FEET NORTH AND 2,180 FEET EAST FROM THE NORTHEAST CORNER OF DLC 97

11. Notice of the application for transfer was published on May 20, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On August 14, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10618 to the applicant. The cover letter with the draft Preliminary Determination set forth a deadline of September 6, 2008, 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.
13. On September 16, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10618 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 30, 2008, and in The Newberg Graphic newspaper on October 11, 18 and 25, 2008, 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)

14. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
15. 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 Application T-10618.
16. The proposed change would not result in enlargement of the right.
17. The proposed change would not result in injury to other water rights.

Conclusions of Law

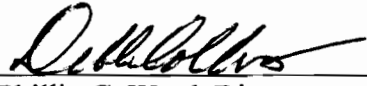
The changes in place of use and additional points of appropriation proposed in application T-10618 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use and additional points of appropriation proposed in application T-10618 are approved.
2. Water right Certificates 40576, 40585, 40853 and 40865 are cancelled. A new certificate will be issued describing that portion of the right evidenced by Certificate 40585 not affected by this transfer.
3. 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 Certificates 40576, 40585, 40853 and 40865 and any related decree.
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 former place of use of the portion of the Certificate 40853 right that has been transferred to a new location shall no longer receive water under the right.
7. Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. 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. The water user shall maintain and operate the measuring device as required by the Department.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. 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.

9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 19th day of December 2008.



Phillip C. Ward, Director

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Mailing date: JAN 02 2009