

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 from stored water only.

Period of Use: The irrigation season allowed herein shall be at any time water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season.

Source: RESERVOIRS 2 & 3, tributaries of the CALAPOOYA CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	6 W	WM	11	SE NE	47	Reservoir 2 - 1440 FEET SOUTH AND 120 FEET WEST FROM THE NE CORNER OF SECTION 11
25 S	6 W	WM	12	SW NW	47	Reservoir 3 - 2170 FEET SOUTH AND 30 FEET EAST FROM NE CORNER, SECTION 11

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
25 S	6 W	WM	11	NE SE	3	--	1.2
25 S	6 W	WM	11	SE SE	--	49	0.9
25 S	6 W	WM	11	SE SE	4	--	2.1
25 S	6 W	WM	12	NW NW	--	47	0.4
25 S	6 W	WM	12	SW NW	--	47	13.8
25 S	6 W	WM	12	SE NW	--	47	1.3
25 S	6 W	WM	12	NE SW	--	47	1.1
25 S	6 W	WM	12	NW SW	--	47	17.7
25 S	6 W	WM	12	SW SW	--	49	0.1
25 S	6 W	WM	12	SW SW	--	47	0.4

6. Transfer Application T-9485 proposes an additional point of diversion approximately 1300 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	6 W	WM	12	NW SW	47	Reservoir 4 - 1440 FEET SOUTH AND 120 FEET WEST FROM THE NE CORNER OF SECTION 11

7. Transfer Application T-9485 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
25 S	6 W	WM	11	SE NE	--	--	1.2
25 S	6 W	WM	11	SE SE		49	0.9
25 S	6 W	WM	11	SE SE	4	--	2.1
25 S	6 W	WM	12	NW NW	--	47	0.4
25 S	6 W	WM	12	SW NW	--	47	13.8
25 S	6 W	WM	12	SE NW	--	47	1.3
25 S	6 W	WM	12	NE SW	--	47	1.1

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
25 S	6 W	WM	12	NW SW	--	47	17.7
25 S	6 W	WM	12	SW SW	--	49	0.1
25 S	6 W	WM	12	SW SW	--	47	0.4

8. Notice of the application for transfer was published on July 8, 2003, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On February 18, 2010, the Department mailed a copy of the *draft* Preliminary Determination proposing to approve Transfer Application T-9485 to the applicants. The cover letter that accompanied the *draft* Preliminary Determination set forth a deadline of March 18, 2010, 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 March 29, 2010, the Department issued a Preliminary Determination proposing to approve Transfer T-9485 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 6, 2010, 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)]

11. Water has been used within the five-year period prior to submittal of the transfer application 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.
12. A pump 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-9485.
13. The proposed change would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights.

Conclusions of Law

The additional point of diversion *and* change in place of use proposed in Transfer Application T-9485 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore it is ORDERED:

1. The additional point of diversion and change in place of use proposed in application T-9485 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 83573 and any related decree.
3. Water right certificate 83573 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion and shall be from stored water only.
5. When required by the Department, the water user shall install, maintain and operate a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department
6. The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion. 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.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. The approved changes 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 changes and full beneficial use of the water.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the rights transferred will be issued.

Dated at Salem, Oregon this 14 day of ~~March~~ ^{May}, 2010.


Phillip C. Ward, Director

Mailing date: MAY 18 2010