



Oregon

Kate Brown, Governor

Water Resources Department

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May 20, 2016

MICHAEL WAGNER
25383 N MIDDLETON RD
MIDDLETON, ID 83644

SUBJECT: Water Right Transfer Application T-12072

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12072. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Argus Observer newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at Tracy.L.Fox@wr.d.state.or.us or 503-986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox
Transfer Specialist
Transfer and Conservation Section

cc: T-12072
Ronald K. Jacobs, District 9 Watermaster (via e-mail)
John A. Short, Agent for the applicant (via e-mail)
Robert Baxter, CWRE #015 (via e-mail)

enclosures

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-12072, Malheur County)
)
)
)
)

**PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF
CHANGES IN PLACE OF USE AND
ADDITIONAL POINTS OF
APPROPRIATION**

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

**MIKE WAGNER
25383 N MIDDLETON RD
MIDDLETON, ID 83644**

Findings of Fact

1. On May 29, 2015, MIKE WAGNER filed an application for additional points of appropriation and to change the place of use under Certificates 81208, 81209, 81210, 81211, 81212, 81213, 89176, 89177, 89178, 89179, 89180, 89181, 89182, 89183, 89184, 89198, 89199, 89526, and 89527. The Department assigned the application number T-12072.
2. Notice of the application for transfer was published on June 9, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 7, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12072 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 8, 2016, for the applicant to respond. The deadline was later extended.
4. By April 25, 2016, the applicant’s agent submitted amended application pages, amending the application for Certificate 81210 such that it is a portion of the right, not the entirety of the right. The changes are in **bold**.
5. 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.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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

Certificate: 81208 in the name of BURTON HAVERFIELD (perfected under Permit U-320)
Use: IRRIGATION of 121.1 ACRES
Priority Date: FEBRUARY 14, 1950
Rate: 1.51 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 for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL NO. 1 in the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q
15 S	40 E	WM	2	SW SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SW SE	26.9
15 S	40 E	WM	2	SE SE	31.4
15 S	40 E	WM	11	NE NE	31.4
15 S	40 E	WM	11	NW NE	31.4
Total:					121.1

7. Certificate 81208 does not describe the measured distances for the authorized point of appropriation, however information is available from the applicant indicating that the authorized point of appropriation is further described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2

8. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 1/4 miles southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W 1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E 1/4 CORNER OF SECTION 7

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

9. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	NE SE	0.5
15 S	40 E	WM	2	NW SE	0.4
15 S	40 E	WM	2	SW SE	29.1
15 S	40 E	WM	2	SE SE	33.5
15 S	40 E	WM	11	NE NE	29.3
15 S	40 E	WM	11	NW NE	28.3
Total:					121.1

10. The second right to be transferred is as follows:

Certificate: 81209 in the name of RANKIN CROW (perfected under Permit U-349)

Use: IRRIGATION of 23.6 ACRES

Priority Date: SEPTEMBER 18, 1950

Rate: 0.30 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 2 in the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q
15 S	40 E	WM	2	SW SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SW SW	18.6
15 S	40 E	WM	2	SE SW	5.0
Total:					23.6

11. Certificate 81209 does not describe the measured distances for the authorized point of appropriation, however information is available from the applicant indicating that the authorized point of appropriation is further described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2

12. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 2 miles southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

13. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	10	NW NE	17.6
15 S	40 E	WM	10	SW NE	4.3
15 S	40 E	WM	14	NW NW	1.7
Total:					23.6

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

Certificate: 81210 in the name of RANKIN CROW (perfected under Permit U-391)

Use: IRRIGATION of 400.8 ACRES

Priority Date: MAY 10, 1951

Rate: 5.07 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 for each

acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: TWO WELLS in the ANTELOPE SPRINGS CREEK BASIN, a tributary of the COW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q
15 S	41 E	WM	7	NE SE
15 S	41 E	WM	8	NW SW

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	41 E	WM	7	NE NE	25.0
15 S	41 E	WM	7	NW NE	0.2
15 S	41 E	WM	7	SW NE	2.9
15 S	41 E	WM	7	SE NE	39.0
15 S	41 E	WM	7	NE SE	31.4
15 S	41 E	WM	7	NW SE	2.7
15 S	41 E	WM	8	NW NE	13.5
15 S	41 E	WM	8	SW NE	40.0
15 S	41 E	WM	8	SE NE	39.7
15 S	41 E	WM	8	NE NW	32.0
15 S	41 E	WM	8	NW NW	15.0
15 S	41 E	WM	8	SW NW	35.2
15 S	41 E	WM	8	SE NW	34.4
15 S	41 E	WM	8	NE SW	28.8
15 S	41 E	WM	8	NW SW	11.0
15 S	41 E	WM	8	NE SE	23.4
15 S	41 E	WM	8	NW SE	26.6
Total:					400.8

15. Certificate 81210 does not describe the measured distances for the authorized points of appropriation, however information is available from Certificate 89177 indicating that the authorized points of appropriation are further described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	41 E	WM	7	NE SE	WELL NO. 7: 995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
15 S	41 E	WM	8	NW SW	WELL NO. 6: 1,200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8

16. Transfer Application T-12072 proposes ten additional points of appropriation, centered approximately 2½ miles west of the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

17. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	41 E	WM	7	NE NE	6.2
15 S	41 E	WM	7	SW NE	2.6
15 S	41 E	WM	7	SE NE	28.5
15 S	41 E	WM	7	NE SE	29.4
15 S	41 E	WM	7	NW SE	8.7
15 S	41 E	WM	8	NE NE	6.8
15 S	41 E	WM	8	NW NE	17.8
15 S	41 E	WM	8	SW NE	35.2
15 S	41 E	WM	8	SE NE	36.6
15 S	41 E	WM	8	NE NW	35.4
15 S	41 E	WM	8	NW NW	20.3
15 S	41 E	WM	8	SW NW	37.6
15 S	41 E	WM	8	SE NW	40.0
15 S	41 E	WM	8	NE SW	30.9
15 S	41 E	WM	8	NW SW	16.5
15 S	41 E	WM	8	NE SE	22.0
15 S	41 E	WM	8	NW SE	26.3
Total:					400.8

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

Certificate: 81211 in the name of COW VALLEY RANCHES (perfected under Permit U-369)

Use: IRRIGATION of 126.50 ACRES

Priority Date: FEBRUARY 5, 1951

Rate: 1.63 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 4 in the LYMAN CREEK BASIN, a tributary of the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	11	NE SW	4.3
15 S	40 E	WM	11	SE SW	35.2
15 S	40 E	WM	11	NE SE	4.7
15 S	40 E	WM	11	NW SE	4.8
15 S	40 E	WM	11	SW SE	39.2
15 S	40 E	WM	11	SE SE	38.3
Total:					126.5

19. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 1¼ miles northeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

20. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	11	NE SW	2.7
15 S	40 E	WM	11	SE SW	2.8
15 S	40 E	WM	11	NW SE	1.0
15 S	40 E	WM	14	NE NE	2.4

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	NW NE	37.4
15 S	40 E	WM	14	SW NE	15.5
15 S	40 E	WM	14	NE NW	21.6
15 S	40 E	WM	14	NW NW	2.7
15 S	40 E	WM	14	SE NW	37.4
15 S	40 E	WM	14	NE SW	3.0
Total:					126.5

21. The fifth right to be transferred is as follows:

Certificate: 81212 in the name of RAYMOND and JEAN BELNAP (perfected under Permit U-490)
Use: IRRIGATION of 40.80 ACRES
Priority Date: FEBRUARY 2, 1953
Rate: 0.51 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL NO. 4 in the LYMAN CREEK BASIN, a tributary of the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	10	NW SE	22.3
15 S	40 E	WM	10	SW SE	18.5
Total:					40.8

22. Certificate 81212 has a scrivener's error that incorrectly identifies the name of the authorized point of appropriation as Well No. 4. Certificate 81212 is the remaining right certificate stemming from Certificate 44208 as a result of T-8787. Certificate 44208 correctly identifies the name of the authorized point of appropriation as Well No. 9. In addition, Well No. 9 is the correct name based on the measured distances.

23. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 2½ miles east from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

24. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	SW NW	9.4
15 S	40 E	WM	14	NW SW	31.4
Total:					40.8

25. The sixth right to be transferred is as follows:

Certificate: 81213 in the name of BURTON HAVERFIELD (perfected under Permit U-350)

Use: IRRIGATION of 81.6 ACRES

Priority Date: SEPTEMBER 18, 1950

Rate: 1.02 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 for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 3 in the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	10	NE NE	30.6
15 S	40 E	WM	10	NW NE	36.8
15 S	40 E	WM	10	SW NE	1.5
15 S	40 E	WM	10	SE NE	3.8
15 S	40 E	WM	11	NW NW	7.0
15 S	40 E	WM	11	SW NW	1.9
Total:					81.6

26. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 2½ miles southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W 1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E 1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E 1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

27. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SW SW	15.1
15 S	40 E	WM	2	SE SW	0.6
15 S	40 E	WM	11	NE NW	19.7
15 S	40 E	WM	11	NW NW	26.8
15 S	40 E	WM	14	NW NW	19.4
Total:					81.6

28. The seventh right to be transferred is as follows:

Certificate: 89176 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-349)

Use: IRRIGATION of 16.9 ACRES

Priority Date: SEPTEMBER 18, 1950

Rate: 0.21 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 2 within the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SW	WELL NO. 2: 880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SW SW	12.8
15 S	40 E	WM	2	SE SW	4.1
Total:					16.9

29. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 2 miles southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

30. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	SW NW	16.9

31. The eighth right to be transferred is as follows:

Certificate: 89177 in the name of RAMOND S. and JEAN BELNAP (perfected under Permit U-391)

Use: IRRIGATION of 71.4 ACRES, being 54.4 ACRES from WELLS 6 and 7, 10.0 ACRES from WELL 1, and 7.0 ACRES from WELL 2.

Priority Date: MAY 10, 1951

Rate: 0.90 CUBIC FOOT PER SECOND (CFS), being 0.34 CFS each from Well No. 6 and Well No. 7 and being 0.13 CFS from Well No. 1, and 0.09 CFS from Well No. 2, or its equivalent in case of rotation, measured at the wells.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: FOUR WELLS (No. 1, 2, 6, and 7) within the COW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SE	WELL NO. 1: 225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
15 S	40 E	WM	2	SW SW	WELL NO. 2: 880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
15 S	41 E	WM	8	NW SW	WELL NO. 6: 1200 FEET SOUTH AND 760 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8
15 S	41 E	WM	7	NE SE	WELL NO. 7: 995 FEET SOUTH AND 200 FEET WEST FROM THE E 1/4 CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	11	SE NE	10.0
15 S	40 E	WM	11	NW NW	7.0
15 S	41 E	WM	7	NE NE	2.9
15 S	41 E	WM	7	NW NE	2.6
15 S	41 E	WM	7	SW NE	1.0
15 S	41 E	WM	7	SE NE	1.0
15 S	41 E	WM	7	NW SE	0.4
15 S	41 E	WM	8	NE NE	12.1
15 S	41 E	WM	8	NW NE	8.7
15 S	41 E	WM	8	NE NW	5.6
15 S	41 E	WM	8	NW NW	7.8
15 S	41 E	WM	8	SW NW	2.6
15 S	41 E	WM	8	SE NW	5.6
15 S	41 E	WM	8	NW SW	4.1

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
Total:					71.4

32. Transfer Application T-12072 proposes eight additional points of appropriation, centered approximately ½ mile southwest from the approximate center of the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W 1/4 CORNER OF SECTION 14
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E 1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

33. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	SW NE	5.7
15 S	40 E	WM	14	SE NW	1.5
15 S	40 E	WM	14	NE SW	19.3
15 S	40 E	WM	14	NW SE	8.5
15 S	41 E	WM	7	NE NE	22.6
15 S	41 E	WM	7	NW NE	7.5
15 S	41 E	WM	7	SW NE	4.2
15 S	41 E	WM	7	SE NE	2.1
Total:					71.4

34. The ninth right to be transferred is as follows:

Certificate: 89178 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-369)

Use: IRRIGATION of 5.5 ACRES

Priority Date: FEBRUARY 5, 1951

Rate: 0.07 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, shall be limited to 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 3.0

acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 2 within the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SW	WELL NO. 2: 880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SE SW	5.5

35. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 2 miles southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

36. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	NW NW	0.4
15 S	40 E	WM	14	SW NW	5.1
Total:					5.5

37. The tenth right to be transferred is as follows:

Certificate: 89179 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-490)

Use: IRRIGATION of 7.2 ACRES

Priority Date: FEBRUARY 2, 1953

Rate: 0.09 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 9 within the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	10	NW SE	WELL NO. 9: 1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	10	NW SE	1.0
15 S	40 E	WM	10	SW SE	6.2
Total:					7.2

38. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 2½ miles east from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

39. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	NW NW	7.2

40. The eleventh right to be transferred is as follows:

Certificate: 89180 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-320)

Use: IRRIGATION of 67.9 ACRES

Priority Date: FEBRUARY 14, 1950

Rate: 0.85 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, shall be limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 1 within the COW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SE	WELL NO. 1: 225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SW SE	4.5
15 S	40 E	WM	11	SW NE	16.9
15 S	40 E	WM	11	SE NE	11.7
15 S	40 E	WM	11	NE SE	19.6
15 S	40 E	WM	11	NW SE	15.2
Total:					67.9

41. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 1¼ miles southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W 1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E 1/4 CORNER OF SECTION 7

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

42. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	NE SW	1.7
15 S	40 E	WM	2	NW SW	1.5
15 S	40 E	WM	2	SW SW	19.3
15 S	40 E	WM	2	SE SW	34.4
15 S	40 E	WM	2	SW SE	3.2
15 S	40 E	WM	11	NW NE	1.3
15 S	40 E	WM	11	NE NW	6.5
Total:					67.9

43. The twelfth right to be transferred is as follows:

Certificate: 89181 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-350)

Use: IRRIGATION of 82.1 ACRES, being 70.4 ACRES from WELL No. 2 and 11.7 ACRES from WELL No. 3

Priority Date: SEPTEMBER 18, 1950

Rate: 1.03 CUBIC FEET PER SECOND (CFS), being 0.88 cfs from WELL No. 2 and 0.15 cfs from WELL No. 3

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 2 and WELL NO. 3 within the COW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SW	WELL NO. 2: 880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
15 S	40 E	WM	10	NW NE	WELL NO. 3: 1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SE SW	14.6
15 S	40 E	WM	10	NE NE	4.6
15 S	40 E	WM	10	NW NE	2.3
15 S	40 E	WM	11	NE NW	31.4
15 S	40 E	WM	11	NW NW	24.4
15 S	40 E	WM	11	SW NW	4.8
Total:					82.1

44. Transfer Application T-12072 proposes ten additional points of appropriation, centered approximately 2 miles southeast from the approximate center of the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

45. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	11	NW NE	0.2
15 S	40 E	WM	11	SW NE	13.0
15 S	40 E	WM	11	SE NW	23.5
15 S	40 E	WM	11	NE SW	33.9
15 S	40 E	WM	11	SE SW	0.3
15 S	40 E	WM	11	NW SE	11.2
Total:					82.1

46. The thirteenth right to be transferred is as follows:

Certificate: 89182 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-359)

Use: IRRIGATION of 194.1 ACRES, being 2.2 ACRES from WELL No. 2, and 191.9 ACRES from WELLS No. 5 and No. 8

Priority Date: SEPTEMBER 20, 1950

Rate: 2.40 CUBIC FEET PER SECOND (CFS), being 0.01 cfs from WELL No. 2, and 2.39 cfs from WELLS No. 5 and No. 8

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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 2, WELL NO. 5, and WELL NO. 8 within the COW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	SW SW	WELL NO. 2: 800 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
15 S	40 E	WM	14	NE SW	WELL NO. 5: 325 FEET SOUTH AND 1575 FEET EAST FROM THE W 1/4 CORNER OF SECTION 14
15 S	40 E	WM	14	SW SE	WELL NO. 8: 1420 FEET SOUTH AND 2370 FEET WEST FROM THE E 1/4 CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SE SW	2.2
15 S	40 E	WM	14	NE NE	36.4
15 S	40 E	WM	14	NW NE	30.6
15 S	40 E	WM	14	SW NE	30.6
15 S	40 E	WM	14	SE NE	39.1
15 S	40 E	WM	14	NE NW	27.6
15 S	40 E	WM	14	SE NW	27.6
Total:					194.1

47. Transfer Application T-12072 proposes nine additional points of appropriation, centered approximately 1¼ miles east from the approximate center of the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

48. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	11	NW NE	1.6
15 S	40 E	WM	11	SW NE	26.4
15 S	40 E	WM	11	SE NE	23.3
15 S	40 E	WM	11	NE SW	1.5
15 S	40 E	WM	11	SE SW	17.8
15 S	40 E	WM	11	NE SE	37.4
15 S	40 E	WM	11	NW SE	27.8
15 S	40 E	WM	11	SW SE	37.9
15 S	40 E	WM	11	SE SE	20.4
Total:					194.1

49. The fourteenth right to be transferred is as follows:

Certificate: 89183 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-392)

Use: IRRIGATION of 130.4 ACRES

Priority Date: MAY 10, 1951

Rate: 1.63 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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL NO. 5 and WELL NO. 8 within the COW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	14	NE SW	WELL NO. 5: 325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
15 S	40 E	WM	14	SW SE	WELL NO. 8: 1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	SW NE	2.9
15 S	40 E	WM	14	NW NW	35.9
15 S	40 E	WM	14	SW NW	39.1
15 S	40 E	WM	14	SE NW	3.1
15 S	40 E	WM	14	NE SW	13.0
15 S	40 E	WM	14	NW SW	26.4
15 S	40 E	WM	14	NW SE	10.0
Total:					130.4

50. Transfer Application T-12072 proposes ten additional points of appropriation, centered approximately 2 miles northeast from the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

51. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	14	NE NE	19.6
15 S	40 E	WM	14	NW NE	1.9
15 S	40 E	WM	14	SW NE	18.8
15 S	40 E	WM	14	SE NE	38.5
15 S	40 E	WM	14	NE SE	20.9
15 S	40 E	WM	14	NW SE	30.7
Total:					130.4

52. The fifteenth right to be transferred is as follows:

Certificate: 89184 in the name of RAYMOND S. and JEAN BELNAP (perfected under Permit U-406)
Use: IRRIGATION of 40.9 ACRES, being 14.8 ACRES from WELL No. 9 and 26.1 ACRES from WELLS No. 5 AND No. 8
Priority Date: AUGUST 21, 1951
Rate: 0.51 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 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WELL NO. 5, WELL NO. 8, and WELL NO. 9 within the COW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	14	NE SW	WELL NO. 5: 325 FEET SOUTH AND 325 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
15 S	40 E	WM	14	SW SE	WELL NO. 8: 1420 FEET SOUTH AND 2270 FEET EAST FROM THE E1/4 CORNER OF SECTION 14
15 S	40 E	WM	10	NW SE	WELL NO. 9: 1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	10	SW NE	2.4
15 S	40 E	WM	10	NW SE	12.4
15 S	40 E	WM	14	NE SW	19.8
15 S	40 E	WM	14	NW SE	6.3
Total:					40.9

53. Certificate 89184 has two scrivener's errors. One provides an incorrect measured distance for Well No. 5, and one provides an incorrect measured distance for Well No. 8. The correct measured distances are provided on the map and in Certificate 89183 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	14	NE SW	WELL NO. 5: 325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
15 S	40 E	WM	14	SW SE	WELL NO. 8: 1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

54. Transfer Application T-12072 proposes nine additional points of appropriation, centered approximately 1¼ miles northeast from the approximate center of the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

55. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	10	NE NE	26.4
15 S	40 E	WM	10	NW NE	8.2
15 S	40 E	WM	10	SW NE	0.1
15 S	40 E	WM	10	SE NE	6.2
Total:					40.9

56. The sixteenth right to be transferred is as follows:

Certificate: 89198 in the name of ALTHA ANDERSON (perfected under Permit U-629)

Use: IRRIGATION of 123.4 ACRES

Priority Date: MARCH 30, 1954

Rate: 1.54 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. This permit is issued subject to the terms and conditions of a stipulation and agreement recorded on Pages 830-832, Volume 3, Miscellaneous Records of the State Engineer.

Source: LOCEY WELL, within the WILLOW CREEK BASIN, tributary of the MALHEUR RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	1	NE NW	LOCEY WELL: 1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	1	SW NE	22.2
15 S	40 E	WM	1	NE NW	1.9
15 S	40 E	WM	1	NW NW	10.2
15 S	40 E	WM	1	SW NW	38.4
15 S	40 E	WM	1	SE NW	33.0
15 S	40 E	WM	1	NE SW	5.4
15 S	40 E	WM	1	NW SW	2.3
15 S	40 E	WM	1	NW SE	9.2
15 S	40 E	WM	2	SE NE	0.8
Total:					123.4

57. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 1¾ miles south-southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W 1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E 1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E 1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2

58. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
15 S	40 E	WM	1	SW NE		0.3
15 S	40 E	WM	1	NE NW	3	3.3
15 S	40 E	WM	1	NW NW	4	11.8
15 S	40 E	WM	1	SW NW		36.8
15 S	40 E	WM	1	SE NW		18.3
15 S	40 E	WM	1	NE SW		0.1
15 S	40 E	WM	1	NW SW		1.0

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
15 S	40 E	WM	2	NE NE	1	14.8
15 S	40 E	WM	2	NW NE	2	4.3
15 S	40 E	WM	2	SW NE		8.6
15 S	40 E	WM	2	SE NE		24.1
Total:						123.4

59. The seventeenth right to be transferred is as follows:

Certificate: 89199 in the name of NORMAN CHRISTENSEN (perfected under Permit U-414)

Use: IRRIGATION of 158.9 ACRES

Priority Date: NOVEMBER 5, 1951

Rate: 1.99 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: TWO WELLS, within the MALHEUR RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SW NE	6.5
15 S	40 E	WM	2	SE NE	0.9
15 S	40 E	WM	2	SW NW	15.8
15 S	40 E	WM	2	SE NW	8.9
15 S	40 E	WM	2	NE SW	30.2
15 S	40 E	WM	2	NW SW	32.6
15 S	40 E	WM	2	NE SE	32.8
15 S	40 E	WM	2	NW SE	31.2
Total:					158.9

60. Transfer Application T-12072 proposes ten additional points of appropriation, centered approximately 1¾ miles southeast from the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

61. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	2	SW NE	8.4
15 S	40 E	WM	2	SE NE	2.3
15 S	40 E	WM	2	SW NW	19.7
15 S	40 E	WM	2	SE NW	10.3
15 S	40 E	WM	2	NE SW	25.6
15 S	40 E	WM	2	NW SW	31.2
15 S	40 E	WM	2	NE SE	32.5
15 S	40 E	WM	2	NW SE	28.9
Total:					158.9

62. The eighteenth right to be transferred is as follows:

Certificate: 89526 in the name of MIKE and ANNE WAGNER (perfected under Permit U-629)

Use: IRRIGATION of 33.5 ACRES

Priority Date: MARCH 30, 1954

Rate: 0.42 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is issued subject to the terms and conditions of a stipulation and agreement recorded on Pages 830-832, Volume 3, Miscellaneous Records of the State Engineer.

Source: LOCEY WELL within the WILLOW CREEK BASIN, tributary of the MALHEUR RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	1	NE NW	LOCEY WELL (MALH 62): 1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
15 S	40 E	WM	1	SW NE		12.2
15 S	40 E	WM	1	SE NW		0.6
15 S	40 E	WM	2	NE NE	1	7.7
15 S	40 E	WM	2	SE NE		13.0
Total:						33.5

63. Transfer Application T-12072 proposes eleven additional points of appropriation, centered approximately 1¾ miles south-southeast from the existing point of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W 1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W 1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E 1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E 1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10
Well 10	15 S	40 E	WM	2	NW SW	3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
Well 11	15 S	40 E	WM	2	NE SE	2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2

64. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
15 S	40 E	WM	1	NW NE	2	0.7
15 S	40 E	WM	1	SW NE		25.9
15 S	40 E	WM	1	SE NW		6.9
Total:						33.5

65. The nineteenth right to be transferred is as follows:

Certificate: 89527 in the name of MIKE and ANNE WAGNER (perfected under Permit U-414)

Use: IRRIGATION of 29.1 ACRES

Priority Date: NOVEMBER 5, 1951

Rate: 0.36 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: TWO WELLS within the MALHEUR RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	40 E	WM	2	NW SW	H-2 (MALH 66): 3060 FEET SOUTH AND 4380 FEET WEST FROM THE NE CORNER OF SECTION 2
15 S	40 E	WM	2	NE SE	H-1 (MALH 64): 2730 FEET SOUTH AND 70 FEET WEST FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
15 S	40 E	WM	2	NE NE	1	3.9
15 S	40 E	WM	2	NW NE	2	3.7
15 S	40 E	WM	2	SW NE		9.9
15 S	40 E	WM	2	SE NE		11.6
Total:						29.1

66. Transfer Application T-12072 proposes ten additional points of appropriation, centered approximately 1¾ miles southeast from the existing points of appropriation as follows:

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 1	15 S	40 E	WM	2	SW SE	225 FEET NORTH AND 1560 FEET WEST FROM THE SE CORNER OF SECTION 2
Well 2	15 S	40 E	WM	2	SW SW	880 FEET NORTH AND 55 FEET EAST FROM THE SW CORNER OF SECTION 2
Well 3	15 S	40 E	WM	10	NW NE	1250 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 10
Well 4	15 S	40 E	WM	11	SE SW	730 FEET NORTH AND 1400 FEET EAST FROM THE SW CORNER OF SECTION 11
Well 5	15 S	40 E	WM	14	NE SW	325 FEET SOUTH AND 1575 FEET EAST FROM THE W1/4 CORNER OF SECTION 14
Well 6	15 S	41 E	WM	8	NW SW	1200 FEET SOUTH AND 760 FEET EAST FROM THE W1/4 CORNER OF SECTION 8
Well 7	15 S	41 E	WM	7	NE SE	995 FEET SOUTH AND 200 FEET WEST FROM THE E1/4 CORNER OF SECTION 7
Well 8	15 S	40 E	WM	14	SW SE	1420 FEET SOUTH AND 2370 FEET WEST FROM THE E1/4 CORNER OF SECTION 14
Well 9	15 S	40 E	WM	10	NW SE	1460 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 10

POA No.	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Well 12	15 S	40 E	WM	1	NE NW	1220 FEET SOUTH AND 2360 FEET EAST FROM THE NW CORNER OF SECTION 1

67. Transfer Application T-12072 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
15 S	40 E	WM	1	SW NE	8.6
15 S	40 E	WM	1	SE NW	6.6
15 S	40 E	WM	1	NE SW	3.4
15 S	40 E	WM	1	NW SE	10.5
Total:					29.1

68. The following table shows the approximate distance, in miles, between the 12 points of appropriation (wells) that make up all the wells that are involved in this transfer:

POA No.	Well 1	Well 2	Well 3	Well 4	Well 5	Well 6	Well 7	Well 8	Well 9	Well 10	Well 11	Well 12
Well 1		0.7	1.1	1.0	1.6	3.6	3.8	1.8	1.4	0.7	0.5	1.0
Well 2	0.7		0.6	1.1	1.7	3.0	3.2	1.9	1.0	0.3	1.0	1.5
Well 3	1.1	0.6		0.9	1.5	2.5	2.7	1.8	0.5	0.8	1.5	2.0
Well 4	1.0	1.1	0.9		0.7	3.1	3.3	0.9	0.8	1.3	1.5	1.9
Well 5	1.6	1.7	1.5	0.7		3.3	3.4	0.3	1.1	1.9	2.1	2.5
Well 6	3.6	3.0	2.5	3.1	3.3		0.2	3.5	2.4	3.2	4.0	4.5
Well 7	3.8	3.2	2.7	3.3	3.4	0.2		3.7	2.5	3.4	4.2	4.7
Well 8	1.8	1.9	1.8	0.9	0.3	3.5	3.7		1.4	2.2	2.2	2.6
Well 9	1.4	1.0	0.5	0.8	1.1	2.4	2.5	1.4		1.3	1.8	2.4
Well 10	0.7	0.3	0.8	1.3	1.9	3.2	3.4	2.2	1.3		0.8	1.3
Well 11	0.5	1.0	1.5	1.5	2.1	4.0	4.2	2.2	1.8	0.8		0.5
Well 12	1.0	1.5	2.0	1.9	2.5	4.5	4.7	2.6	2.4	1.3	0.5	

Transfer Review Criteria (OAR 690-380-4010)

- 69. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 70. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12072.
- 71. The proposed changes would not result in enlargement of the rights.
- 72. The proposed changes would not result in injury to other water rights.
- 73. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation and changes in place of use proposed in Transfer Application T-12072 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12072 is approved, the final order will include the following:

- 1. The additional points of appropriation and changes in place of use proposed in Transfer Application T-12072 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 Certificates 81208, 81209, 81210, 81211, 81212, 81213, 89176, 89177, 89178, 89179, 89180, 89181, 89182, 89183, 89184, 89198, 89199, 89526, and 89527, and any related decree.*
- 3. Water right Certificates 81208, 81209, 81210, 81211, 81212, 81213, 89176, 89177, 89178, 89179, 89180, 89181, 89182, 89183, 89184, 89198, 89199, 89526, and 89527 are cancelled. A new certificate will be issued describing that portion of the right, Certificate 81210, not affected by this transfer.*
- 4. 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.*
- 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. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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 changes and full beneficial use of the water.*

9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 16 day of May 2016.


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

This draft Preliminary Determination was prepared by a Reimbursement Authority Contractor and reviewed by Department staff. If you have questions about the information in this document, you may reach Tracy Fox at 503 986-0827 or Tracy.L.Fox@wr.d.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty service members have a right to stay these proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.