

Authorized Place of Use:

Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36, Township 7 South, Range 3 West, W.M., Sections 7, 8, 17, 18, 19, 20, and 29, Township 8 South, Range 2 West, W.M., Sections 1, 2, 3, 4, 10, 11, and 12, Township 8 South, Range 3 West, W.M..

- 3. Application T-9192 proposes to move the authorized point of diversion approximately 2.0 miles downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
9	S	1	W	W.M.	11	SW	SE			South 1883 feet and East 2874 feet from the W¼ Corner of Section 11.

- 4. Application T-9192 proposes to change the place of use of the right to the Stayton Urban Growth Boundary. The urban growth boundary is currently located in Sections 32 and 33, Township 8 South, Range 1 West, W.M.; Sections 2, 3, 4, 5, 9, 10, 11, 12, 14, 15, and 16, Township 9 South, Range 1 West, W.M..
- 5. Notice of the application for transfer was published pursuant to ORS 540.520. One protest was filed and later withdrawn by the protestant.
- 6. Water has been used within the last five years according to the terms and conditions of the right. Any presumption of forfeiture likely would be rebutted pursuant to ORS 540.610(2)(a) or (b).
- 7. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
- 8. The proposed change would not result in enlargement of the right.
- 9. The proposed change would not result in injury to other water rights.

Conclusion of Law

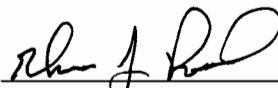
The proposed changes in point of diversion and place of use in application T-9192 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The changes in point of diversion and place of proposed in application T-9192 are approved.
- 2. Water right certificate 12033 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
- 3. Except as provided by ORS 540.510(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 Certificate 12033 and any related decree.

4. The proposed change shall be completed on or before October 1, 2010.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2011.
6. The quantity of water diverted at the proposed point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
7. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 1st day of ~~November~~ 2004.



Phillip C. Ward
Acting Director

Mailing date: NOV 05 2004