



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Acres
4	N	28	E	W.M.	24	SE NE	107	29.5

3. Application T-9677 proposes to change the place of use for a portion of Certificate 79889 to:

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Circle	Acres
3	N	29	E	W.M.	14	SW NE	3900	2	29.5

4. As is necessary to convey the water to the proposed temporary place of use, Application T-9677 also proposes to move the authorized point of appropriation for Certificate 79889 to:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	29	E	W.M.	9	SE SW	Siebel Well - 380 feet North and 3120 feet West from SE Corner, Section 9

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

**Certificate:** 79890 in the name of Rick L Hale

**Use:** Irrigation

**Priority Date:** February 25, 1977

**Quantity:** 2.97 Cubic Feet per Second (CFS)

**Rate/Duty:** 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre

**Acres:** 237.8 acres

**Source:** A Well in the Umatilla River Basin

**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Location
4	N	28	E	W.M.	24	SW SE	1230 feet North and 1910 feet West from the SE corner, Section 24

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Acres
4	N	28	E	W.M.	23	NE SE	100	5.8
4	N	28	E	W.M.	23	SE SE	100	5.8
4	N	28	E	W.M.	24	NE SW	106	26.0
4	N	28	E	W.M.	24	NW SW	100	37.4
4	N	28	E	W.M.	24	SW SW	100	37.6
4	N	28	E	W.M.	24	SE SW	106	28.0
4	N	28	E	W.M.	24	NE SE	107	11.2
4	N	28	E	W.M.	24	NW SE	106	34.0
4	N	28	E	W.M.	24	SW SE	106	38.4
4	N	28	E	W.M.	24	SE SE	107	13.6

6. Application T-9677 proposes to change the place of use for Certificate 79890 to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Circle	Acres
3	N	29	E	W.M.	9	NW	NE	3300	56	3.6
3	N	29	E	W.M.	9	SW	NE	3300	56	37.5
3	N	29	E	W.M.	9	SE	NE	3300	56	0.6
3	N	29	E	W.M.	9	NW	SE	3300	56	26.2
3	N	29	E	W.M.	14	NE	NE	3900	2	32.8
3	N	29	E	W.M.	14	NW	NE	3900	2	32.8
3	N	29	E	W.M.	14	SW	NE	3900	2	3.3
3	N	29	E	W.M.	14	SE	NE	3900	2	32.8
3	N	29	E	W.M.	14	SW	NW	4100	55	6.5
3	N	29	E	W.M.	14	NW	SW	4100	55	6.4
3	N	29	E	W.M.	15	SE	NE	3404	55	14.7
3	N	29	E	W.M.	15	NE	SE	3404	55	15.7
3	N	29	E	W.M.	15	NW	SE	4200	7	13.0
3	N	29	E	W.M.	15	SW	SE	4200	7	11.9

7. As is necessary to convey the water to the proposed temporary place of use, Application T-9677 also proposes to move the authorized point of appropriation for Certificate 79890 to:

Township		Range		Meridian	Sec	¼ ¼		Location
3	N	29	E	W.M.	9	SE	SW	Siebel Well - 380 feet North and 3120 feet West from SE Corner, Section 9

8. Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

9. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A diversion system sufficient to use the full amount of water allowed under Certificate 79889 is present. However, a diversion system sufficient to use the full amount of water allowed under Certificate 79890 does not appear to be present. According to amended application materials received on May 3, 2004, the system capacity for this certificate is 2.2 CFS. The maximum rate at which water may be diverted under this right is 2.97 CFS. Only 2.2 CFS may be used at the new temporary diversion point under certificate 79890.

11. The proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights.


## Conclusions of Law

The temporary changes in place of use and point of appropriation proposed in application T-9677 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The changes in place of use and point of appropriation proposed in application T-9677 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2004 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2004 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 79889 and 79890.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. Prior to diverting of water at the new point of diversion, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
8. The use of water under certificate 79890 shall not exceed a rate of 2.2 CFS.
9. The use of the remaining water right described by Certificates 79889 and 79890 shall continue to be in accordance with the terms and conditions of Certificates 79889 and 79890.

Dated at Salem, Oregon this 25<sup>th</sup> day of October, 2004.

  
Phillip C. Ward  
Acting Director

Mailing date: NOV 05 2004

*Requests for Reconsideration should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271*