



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
1	S	43	E	W.M.	16	NE SE	32.8
1	S	43	E	W.M.	16	NW SE	20.0

3. Application T-9921 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
1	N	42	E	W.M.	36	NE NE	6.2*
1	N	42	E	W.M.	36	NW NE	15.2*
1	N	42	E	W.M.	36	SE NE	25.0*
1	N	42	E	W.M.	36	NE SE	6.4*

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

**Certificate:** 81224 in the name of Minam Lake Reservoir Co.  
**Use:** Supplemental Irrigation of 37.8 acres  
**Priority Date:** May 29, 1916  
**Quantity:** 0.20 cfs  
**Rate:** 1/80 cfs per acre  
**Source:** Minam Lake, tributary to the Wallowa River  
**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Location
4	S	44	E	W.M.	29	NW SW	Minam Lake

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
1	S	43	E	W.M.	16	NE SE	32.8
1	S	43	E	W.M.	16	NW SE	5.0

5. Application T-9921 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
1	N	42	E	W.M.	36	NE NE	6.2
1	N	42	E	W.M.	36	NW NE	15.2
1	N	42	E	W.M.	36	SE NE	16.4

6. The proposed places of use have an existing water right appurtenant to them, being Permit S-39916 from Little Bear Creek. This water right permit will be exercised until water becomes unavailable from Little Bear Creek. At that time, the above referenced water rights will be exercised.
7. 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.

8. 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.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.

### **Conclusions of Law**

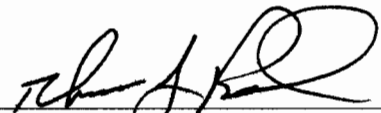
The temporary change in place of use proposed in application T-9921 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### **Now, therefore, it is ORDERED:**

1. The change in place of use proposed in application T-9921 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2005, 2006, 2007, 2008 and 2009 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2009 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. A subsequent application for permanent transfer of Certificates 81223 and 81224 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. 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 81223 and 81224 and shall be subject to all other conditions and limitations contained in any related decree.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. When required by the Department, 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.

9. The use of the remaining water right described by Certificates 81223 and 81224 shall continue to be in accordance with the terms and conditions of Certificates 81223 and 81224.

Dated at Salem, Oregon this 22<sup>nd</sup> day of June, 2005.

  
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Phillip C. Ward, Director

Mailing date: JUN 24 2005