

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
40	S	18	E	W.M.	1	NE NW	25.14
40	S	18	E	W.M.	1	NW NW	4.0
40	S	18	E	W.M.	1	SE NW	10.86

3. Application T-9805 proposes to temporarily change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
40	S	19	E	W.M.	9	NW SE	40.0

4. 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.
5. 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.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

Conclusions of Law

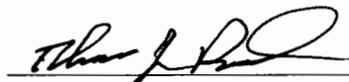
The temporary change in place of use proposed in application T-9805 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9805 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights 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. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 76187.

6. The water rights evidenced by Certificate S-11252 and Permit G-8840 appurtenant to the proposed place of use **shall not** be used during the 2005, 2006, 2007, 2008 and 2009 irrigation seasons.
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 Certificate 76187 shall continue to be in accordance with the terms and conditions of Certificate 76187.

Dated at Salem, Oregon this 31st day of March, 2005.



Phillip C. Ward
Director

Mailing date: APR 06 2005

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