

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
10	S	3	W	W.M.	28	SW	NE			
10	S	3	W	W.M.	28	SE	NW			
10	S	3	W	W.M.	28	NE	SW			
10	S	3	W	W.M.	28	SE	SW			
10	S	3	W	W.M.	28	NW	SE			
10	S	3	W	W.M.	28	SW	SE			
10	S	3	W	W.M.	33	NW	NE			
10	S	3	W	W.M.	33	SW	NE			
10	S	3	W	W.M.	33	NE	NW			
10	S	3	W	W.M.	33	SE	NW			
10	S	3	W	W.M.	33	NE	SW			
10	S	3	W	W.M.	33	SE	SW			
10	S	3	W	W.M.	33	NW	SE			
11	S	3	W	W.M.	4	NE	NW			
11	S	3	W	W.M.	4	NW	NW			
11	S	3	W	W.M.	4	SW	NW			
11	S	3	W	W.M.	4	SE	NW			
11	S	3	W	W.M.	4	NE	SW			
11	S	3	W	W.M.	4	NW	SW			
11	S	3	W	W.M.	4	SW	SW			
11	S	3	W	W.M.	4	SE	SW			
11	S	3	W	W.M.	5	SW	NE			
11	S	3	W	W.M.	5	SE	NW			
11	S	3	W	W.M.	5	NE	SW			
11	S	3	W	W.M.	5	NW	SW			
11	S	3	W	W.M.	5	SW	SW			
11	S	3	W	W.M.	5	SE	SW			
11	S	3	W	W.M.	5	NE	SE			
11	S	3	W	W.M.	5	NW	SE			
11	S	3	W	W.M.	5	SW	SE			
11	S	3	W	W.M.	5	SE	SE			
11	S	3	W	W.M.	6	SW	SW			
11	S	3	W	W.M.	6	SE	SW			
11	S	3	W	W.M.	6	NE	SE			
11	S	3	W	W.M.	6	NW	SE			

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
11	S	3	W	W.M.	6	SW	SE			
11	S	3	W	W.M.	6	SE	SE			
11	S	3	W	W.M.	7	NE	NE			
11	S	3	W	W.M.	7	NW	NE			
11	S	3	W	W.M.	7	SW	NE			
11	S	3	W	W.M.	7	SE	NE			
11	S	3	W	W.M.	7	NE	NW			
11	S	3	W	W.M.	7	NW	NW			
11	S	3	W	W.M.	7	SW	NW			
11	S	3	W	W.M.	7	SE	NW			
11	S	3	W	W.M.	7	NE	SW			
11	S	3	W	W.M.	7	NW	SW			
11	S	3	W	W.M.	7	SW	SW			
11	S	3	W	W.M.	7	SE	SW			
11	S	3	W	W.M.	7	NE	SE			
11	S	3	W	W.M.	7	NW	SE			
11	S	3	W	W.M.	7	SW	SE			
11	S	3	W	W.M.	7	SE	SE			
11	S	3	W	W.M.	8	NE	NE			
11	S	3	W	W.M.	8	NW	NE			
11	S	3	W	W.M.	8	SW	NE			
11	S	3	W	W.M.	8	SE	NE			
11	S	3	W	W.M.	8	NE	NW			
11	S	3	W	W.M.	8	NW	NW			
11	S	3	W	W.M.	8	SW	NW			
11	S	3	W	W.M.	8	NE	SW			
11	S	3	W	W.M.	8	NW	SW			
11	S	3	W	W.M.	8	SW	SW			
11	S	3	W	W.M.	8	SE	SW			
11	S	3	W	W.M.	8	NE	SE			
11	S	3	W	W.M.	8	SE	SE			
11	S	3	W	W.M.	9	SW	NE			
11	S	3	W	W.M.	9	SE	NE			
11	S	3	W	W.M.	9	NE	NW			
11	S	3	W	W.M.	9	NW	NW			
11	S	3	W	W.M.	9	SW	NW			
11	S	3	W	W.M.	9	SE	NW			
11	S	3	W	W.M.	9	NE	SW			

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
11	S	3	W	W.M.	9	NW	SW			
11	S	3	W	W.M.	9	NW	SE			
11	S	3	W	W.M.	17	NE	NE			
11	S	3	W	W.M.	17	NW	NE			
11	S	3	W	W.M.	17	SW	NE			
11	S	3	W	W.M.	17	SE	NE			
11	S	3	W	W.M.	17	NE	NW			
11	S	3	W	W.M.	17	NW	NW			
11	S	3	W	W.M.	17	SW	NW			
11	S	3	W	W.M.	17	SE	NW			
11	S	3	W	W.M.	17	NE	SW			
11	S	3	W	W.M.	17	NW	SW			
11	S	3	W	W.M.	17	SW	SW			
11	S	3	W	W.M.	17	SE	SW			
11	S	3	W	W.M.	17	NE	SE			
11	S	3	W	W.M.	17	NW	SE			
11	S	3	W	W.M.	17	SW	SE			
11	S	3	W	W.M.	17	SE	SE			
11	S	3	W	W.M.	18	NE	NE			
11	S	3	W	W.M.	18	NW	NE			
11	S	3	W	W.M.	18	SW	NE			
11	S	3	W	W.M.	18	SE	NE			
11	S	3	W	W.M.	18	NW	NW			
11	S	3	W	W.M.	18	SW	NW			
11	S	3	W	W.M.	18	NE	SW			
11	S	3	W	W.M.	18	NW	SW			
11	S	3	W	W.M.	18	SW	SW			
11	S	3	W	W.M.	18	SE	SW			
11	S	3	W	W.M.	18	NE	SE			
11	S	3	W	W.M.	18	NW	SE			
11	S	3	W	W.M.	18	SW	SE			
11	S	3	W	W.M.	18	SE	SE			
11	S	3	W	W.M.	19	NE	NE			
11	S	3	W	W.M.	19	NW	NE			
11	S	3	W	W.M.	20	NE	NW			
11	S	3	W	W.M.	20	NW	NW			
11	S	4	W	W.M.	1	SE	SE			
11	S	4	W	W.M.	12	NE	NE			

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
11	S	4	W	W.M.	12	NW	NE			
11	S	4	W	W.M.	12	SW	NE			
11	S	4	W	W.M.	12	SE	NE			
11	S	4	W	W.M.	12	SE	NW			
11	S	4	W	W.M.	12	NE	SW			
11	S	4	W	W.M.	12	NW	SW			
11	S	4	W	W.M.	12	SW	SW			
11	S	4	W	W.M.	12	SE	SW			
11	S	4	W	W.M.	12	NE	SE			
11	S	4	W	W.M.	12	NW	SE			
11	S	4	W	W.M.	12	SW	SE			
11	S	4	W	W.M.	12	SE	SE			
11	S	4	W	W.M.	13	NE	NE			
11	S	4	W	W.M.	13	NW	NE			
11	S	4	W	W.M.	13	SW	NE			
11	S	4	W	W.M.	13	SE	NE			
11	S	4	W	W.M.	13	NE	NW			
11	S	4	W	W.M.	13	SE	NW			
11	S	4	W	W.M.	13	NE	SW			
11	S	4	W	W.M.	13	NE	SE			
11	S	4	W	W.M.	13	NW	SE			
11	S	4	W	W.M.	13	SW	SE			
11	S	4	W	W.M.	13	SE	SE			
11	S	4	W	W.M.	24	NE	NE			
11	S	4	W	W.M.	24	SE	NE			
11	S	4	W	W.M.	24	NE	SE			
11	S	4	W	W.M.	24	SE	SE			
11	S	4	W	W.M.	25	NE	NE			
11	S	4	W	W.M.	25	SE	NE			
11	S	4	W	W.M.	25	NE	SE			

3. Application T-9568 proposes an additional point of diversion approximately 21.0 miles downstream in the source located:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
10	S	3	W	W.M.	24	SW	NW			2096 feet South and 693 feet East from the NW Corner of Section 24.

4. Notice of the application for 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 diversion structure and ditch 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.

Conclusion of Law

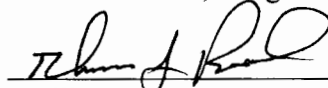
The proposed additional point of diversion in application T-9568 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of diversion proposed in application T-9568 is approved.
2. Water right certificate 49386 is cancelled.
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 49386 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 additional 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 change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 24th day of ~~November~~ 2004.



Phillip C. Ward
Director

Mailing Date: NOV 29 2004