



**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	18 E	WM	18	NW NW	1.05
39 S	18 E	WM	18	NW SW	7.20

3. Application T-9588 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
39 S	18 E	WM	7	SW SW	7.85
39 S	18 E	WM	7	SE SW	0.40

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.

**Conclusions of Law**

The proposed changes in place of use in application T-9588 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

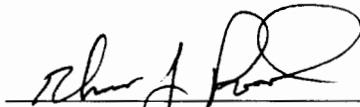
**Now, therefore, it is ORDERED:**

The proposed change in place of use in application T-9588 is hereby approved; the change and subsequent use of water shall be subject to the following conditions:

1. Certificate 5182 is cancelled. Certificate 80734 shall be issued to describe the remaining rights.
2. 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 5182 and any related decree.
3. The proposed change shall be completed on or before October 1, 2006.
4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

5. When required by the Department, 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.
6. The former place of use of the transferred water shall no longer be irrigated as part of this water right.

Dated at Salem, Oregon this 15<sup>th</sup> day of December, 2004.

  
Phillip C. Ward, Director

Mailing date: DEC 06 2004