

- Application T-8589 proposes to move the authorized point of diversion approximately 200 feet downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
39	S	3	W	W.M.	33	NE	NW			1050 feet South and 25 feet West from the N¼ Corner of Section 33.

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

Conclusions of Law:

The change in point of diversion proposed in application T-8589 is consistent with the requirements of 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

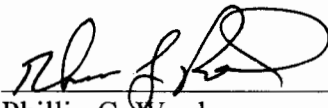
- The change in point of diversion proposed in application T-8589 is approved.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 79835 and any related decree.
- Water right certificate 79835 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer.
- The proposed change shall be completed on or before October 1, 2005.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
40	S	3	W	W.M.	5	SW	SW			Comstock Ditch -1000 feet North and 1190 feet East from the SW Corner of Section 5.

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 1st day of September 2004.


 Phillip C. Ward
 Acting Director

Mailing date: SEP 10 2004