

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
4	S	3	W	W.M.	19	NE	SW		78	8.42
4	S	3	W	W.M.	19	NW	SW		78	27.50
4	S	3	W	W.M.	19	SW	SW		78	29.00
4	S	3	W	W.M.	19	SE	SW		78	12.10
4	S	3	W	W.M.	30	NE	NW		78	2.51
4	S	3	W	W.M.	30	NW	NW		78	13.37

3. Application T-8909 proposes to add an authorized point of appropriation approximately 520 feet from the existing point of appropriation in the Yamhill River basin to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
4	S	3	W	W.M.	30	NW	NW		78	Well 2 - 300 feet South and 740 feet West from the SW Corner of A. and P. Smith DLC 48.

4. Notice of the application for transfer was published in the Department’s weekly notice pursuant to ORS 540.520 and OAR 690-015-0080. No protests 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 is 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.

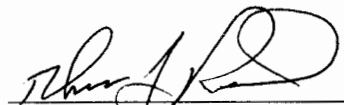
Conclusions of Law

The additional point of appropriation proposed in application T-8909 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in application T-8909 is approved.
2. Water Right Certificate 80688 is cancelled.
3. The right to 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 80688 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed change shall be completed on or before October 1, 2006.
6. 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.
7. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available under Certificate 80688.
8. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. 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. When satisfactory proof of the completed changes is received, a new certificate confirming the water right will be issued.

Dated at Salem, Oregon this 14th day of DECEMBER 2004.



for Phillip C. Ward
Director

Mailing Date: DEC 22 2004