



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼		Acres
3	S	1	W	W.M.	2	NW	NW	2.1
3	S	1	W	W.M.	2	SW	NW	2.7

3. Application T-9928 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	S	1	E	W.M.	18	SE	SW	3100	2.7
3	S	1	E	W.M.	18	SW	SE	3100	2.1

4. As is necessary to convey the water to the proposed temporary place of use, Application T-9928 also proposes to move the authorized point of appropriation to:

Township		Range		Meridian	Sec	¼ ¼		Lot	Location
3	S	1	E	W.M.	18	SW	SE	3100	790 Feet North & 2765 Feet East from SW Corner, Section 18

5. 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.
6. 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.
10. Department staff examined the transfer application and found that the proposed point of appropriation is **not** producing water from the same ground water source as the authorized point of appropriation. ORS 540.523 allows for a change in place of use and point of appropriation; however it does not authorize a change to a different source of water.

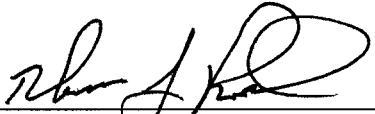
**Conclusions of Law**

The temporary changes in place of use and point of appropriation proposed in application T-9928 are **not** consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

11. Temporary transfer 9928, in the name of David Bany, is **denied** and of no further force or effect.

Dated at Salem, Oregon this 20<sup>th</sup> day of July, 2005.

  
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Phillip C. Ward, Director

Mailing date: 7-25-2005