



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Tax Lot	Acres
9	S	4	W	W.M.	33	NE SE	300	38.8
9	S	4	W	W.M.	33	NW SE	300	14.8
9	S	4	W	W.M.	33	SW SE	300	15.4
9	S	4	W	W.M.	33	SE SE	300	40.0
9	S	4	W	W.M.	34	NE SW	600	1.0
9	S	4	W	W.M.	34	NW SW	600	28.1
9	S	4	W	W.M.	34	SW SW	600	31.5
9	S	4	W	W.M.	34	SE SW	600	20.3
9	S	4	W	W.M.	34	SW SE	600	0.3

3. Application T-9680 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
9	S	4	W	W.M.	3	NE NW	23.1
9	S	4	W	W.M.	3	NW NW	16.7
9	S	4	W	W.M.	3	SW NW	29.6
9	S	4	W	W.M.	3	SE NW	30.4
9	S	4	W	W.M.	4	NE NE	20.4
9	S	4	W	W.M.	4	NW NE	12.5
9	S	4	W	W.M.	4	SW NE	17.5
9	S	4	W	W.M.	4	SE NE	40.0

4. 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.
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 delivery system 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.

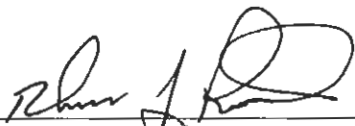
**Conclusions of Law**

The temporary changes in place of use proposed in application T-9680 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The changes in place of use proposed in application T-9680 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2004 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2004 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 76256.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. 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.
8. The use of the remaining water right described by Certificate 41962 shall continue to be in accordance with the terms and conditions of Certificate 41962.

Dated at Salem, Oregon this 13<sup>th</sup> day of September, 2004.

  
Phillip C. Ward  
Acting Director

Mailing date: SEP 21 2004