



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	DLC	Acres
4	S	4	W	W.M.	27	NW SW		1.8
4	S	4	W	W.M.	27	NW SW	57	1.8
4	S	4	W	W.M.	27	SW SW	57	3.45
4	S	4	W	W.M.	28	SE SE	57	7.8

**Certificate:** 40517 in the name of Coy H. Roberts

**Use:** Irrigation

**Priority Date:** May 2, 1966

**Quantity:** 0.002 Cubic Feet per Second (CFS)

**Rate/Duty:** 1/80 CFS per acre, not to exceed 2.5 acre-feet per acre

**Acres:** 0.15 acre

**Source:** South Yamhill River, tributary to the Yamhill River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	DLC	Location
4	S	4	W	W.M.	27	NW SW	83	560 feet North and 2070 feet East from NW Corner, Boothe DLC 57

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	DLC	Acres
4	S	4	W	W.M.	27	SW SW	57	0.15

3. Application T-9709 proposes to change the place of use of the rights to:

Certificate 29676:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	S	4	W	W.M.	33	NE NW	2.41
4	S	4	W	W.M.	33	NW NW	0.41
4	S	4	W	W.M.	33	SW NW	1.78
4	S	4	W	W.M.	33	SE NW	8.78
4	S	4	W	W.M.	33	NE SW	1.47

Certificate 40517:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	S	4	W	W.M.	33	SE NW	0.15

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**

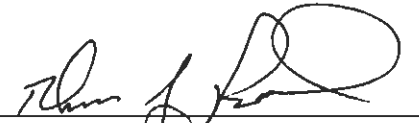
The temporary change in place of use and point of diversion proposed in application T-9698 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The change in place of use and point of diversion proposed in application T-9698 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2004, 2005, and 2006 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2006 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 Certificates 29676 and 40517.
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 Certificates 29676 and 40517 shall continue to be in accordance with the terms and conditions of Certificates 29676 and 40517.

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

  
for Phillip C. Ward  
Acting Director

Mailing Date: SEP 21 2004