

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
2	S	1	W	W.M.	7	SE SW	1401	12.7
2	S	1	W	W.M.	7	NE SE	1402 & 1402	35.2
2	S	1	W	W.M.	7	SW SE	1401	4.1

3. Application T-9819 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
2	S	2	W	W.M.	24	NW NW	700 & 701	26.3
2	S	2	W	W.M.	24	NE NW	600	25.7

4. As is necessary to convey the water to the proposed temporary place of use, Application T-9819 also proposes to move the authorized point of diversion to:

Township		Range		Meridian	Sec	¼ ¼	Lot
2	S	2	W	W.M.	13	SW NW	300

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. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
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.


Conclusions of Law

The temporary changes in place of use and point of diversion proposed in application T-9819 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 and point of diversion proposed in application T-9819 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2005, 2006, 2007, 2008 and 2009 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2009 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 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. The use of the remaining water right described by Certificate 23580 shall continue to be in accordance with the terms and conditions of Certificate 23580.

Dated at Salem, Oregon this 28th day of March, 2005.



Phillip C. Ward, Director

Mailing date: APR 05 2005

Now, therefore, it is ORDERED:

1. The changes in place of use and point of diversion proposed in application T-9819 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2005, 2006, 2007, 2008 and 2009 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2009 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 ~~23580~~.
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 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. The use of the remaining water right described by Certificate 23580 shall continue to be in accordance with the terms and conditions of Certificate 23580.

Dated at Salem, Oregon this 28th day of March, 2005.


Phillip C. Ward, Director

Mailing date: APR 05 2005