

- Application T-9589 proposes to move the authorized point of diversion approximately 2 miles downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼	Location
9	S	40	E	W.M.	21	NW SW	180 feet south and 110 feet east of the west ¼ corner, Section 21

- On March 19, 2004, the applicants submitted an affidavit of voluntary cancellation for a portion of the right. The portion of the right to be cancelled allows the use of up to 0.1 cfs for irrigation of the following lands:

Township	Range	Meridian	Sec	¼ ¼	Acres
9	S	40	E	W.M.	21 NW SW 0.6

- Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notices.
- 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.
- A pump and delivery system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

Conclusions of Law

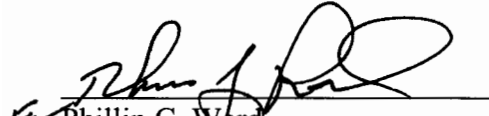
The proposed change in point of diversion in application T-9589 is consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000 and the portion of the right voluntarily abandoned pursuant to ORS 540.621 should be cancelled.

Now, therefore, it is ORDERED:

- The change in point of diversion proposed in application T-9589 is approved.
- Water right certificate 4391 is cancelled. A new certificate will be issued to confirm that portion of the right not involved in this transfer or voluntarily cancelled.
- The right to the 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 4391 and any related decree.
- The proposed change shall be completed on or before October 1, 2005.

5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.
6. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
7. The water to be diverted is for natural flow only. Stored water is not to be diverted. Water from natural flow is not to be diverted if it is not available for the December 1, 1899 priority date.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 9th day of August, 2004.


Phillip C. Ward
Acting Director

Mailing date: AUG 13 2004