

- Application T-9506 proposes to move the authorized point of diversion approximately 0.5 mile from the existing point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	3 W	WM	16	SW SE	South 66°06'08" East 2653.33 feet from NE Corner of J. Palmer DLC 80.

- 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 notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
- 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, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is 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

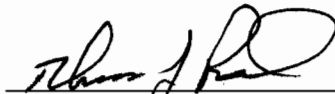
The proposed change in point of diversion in application T-9506 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- The change in point of diversion proposed in application T-9506 is approved.
- Water right certificate 28522 is 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 28522 and any related decree.
- The proposed change shall be completed on or before October 1, 2006.
- A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.

6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
7. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and 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.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

at Salem, Oregon this 26th day of May, 2005.


Phillip C. Ward, Director

Mailing date: JUN 20 2005