



**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	28	E	W.M.	22	NE SW	38.2

3. Application T-9857 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	28	E	W.M.	22	NW NE	34.8
4	N	28	E	W.M.	22	SE NW	3.4

4. As is necessary to convey the water to the proposed temporary place of use, Application T-9857 also proposes to add a point of appropriation to:

Township		Range		Meridian	Sec	¼ ¼	Location
4	N	28	E	W.M.	22	NW SE	2360 Feet North and 2680 Feet East from the SW Corner, Section 22

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.
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**

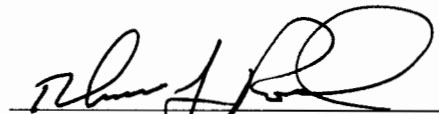
The temporary changes in place of use and additional point of appropriation proposed in application T-9857 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and additional point of appropriation proposed in application T-9857 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. A subsequent application for permanent transfer of Certificate 74445 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. 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 74445.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. Prior to diverting of water at the new point of diversion, 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.
9. The use of the remaining water right described by Certificate 74445 shall continue to be in accordance with the terms and conditions of Certificate 74445.

Dated at Salem, Oregon this 7<sup>th</sup>-day of April, 2005.

  
For Phillip C. Ward, Director

Mailing date: APR 14 2005