

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	N	28	E	W.M.	24	SE NE	29.5

3. Application T-9881 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	13	SW NE	29.5

4. As is necessary to convey the water to the proposed temporary place of use, Application T-9881 also proposes to move the authorized point of appropriation to:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	29	E	W.M.	9	SE SW	Seibel Well – 380 Feet North and 3120 Feet West from SE Corner, Section 9

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. Application T-9881 proposes to temporarily transfer water rights within the boundaries of the Stanfield Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.
7. 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.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.
10. 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

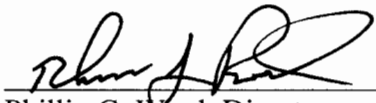
The temporary changes in place of use and point of appropriation proposed in application T-9881 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use and point of appropriation proposed in application T-9881 are approved.

2. The former place of use **shall not** be irrigated as part of this water right during the 2005 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2005 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 79889 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 79889.
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 79889 shall continue to be in accordance with the terms and conditions of Certificate 79889.

Dated at Salem, Oregon this 7th day of April, 2005.


Phillip C. Ward, Director

Mailing date: APR 14 2005