



**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	4 W	WM	11	NW NE	44	580 FEET NORTH AND 590 FEET WEST FROM THE MOST EASTERLY SE CORNER OF DLC 44

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	2	SW NW	Cary DLC 44	0.8
4 S	4 W	WM	2	SE NW	Cary DLC 44	24.8

4. Transfer Application T-10334 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	2	NE NW	Cary DLC 44	1.0
4 S	4 W	WM	2	NW NW	Cary DLC 44	1.0
4 S	4 W	WM	2	SW NW	Cary DLC 44	20.3
4 S	4 W	WM	2	SE NW	Cary DLC 44	3.3

5. Notice of the application for temporary transfer was published on March 20, 2007, 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**

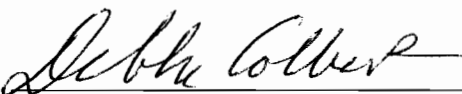
The temporary change in place of use proposed in Temporary Transfer Application T-10334 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The change in place of use proposed in application T-10334 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2007, 2008, 2009, and 2010 irrigation seasons.

3. The use shall revert to the authorized place of use at the end of the 2010 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 34739 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 34739.
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 34739 shall continue to be in accordance with the terms and conditions of Certificate 34739.

Dated at Salem, Oregon this 20<sup>th</sup> day of April 2007.

  
Phillip C. Ward, Director

Mailing Date: APR 23 2007

