

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	S	40	E	W.M.	20	NE SE	13.25
4	S	40	E	W.M.	21	NW SW	2.00

3. Application T-9976 proposes to temporarily change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
4	S	40	E	W.M.	20	SE NE	1.3
4	S	40	E	W.M.	20	NE SE	9.2
4	S	40	E	W.M.	21	NW SW	4.75

4. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Application T-9976 proposes to add an additional point of diversion approximately 0.25 mile downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼	Location
4	S	40	E	W.M.	21	NW SW	LATITUDE 45.19975 LONGITUDE -117.82801

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 is 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.
10. It was noted by the applicant, and confirmed by Department staff, that the original certificate lists an incorrect source. The associated decree fails to list any source. Steps to have the associated decree corrected have been initiated. The correct source should be listed as Little Creek, a tributary of Catherine Creek.

Conclusions of Law

The temporary changes in place of use and an additional point of diversion proposed in application T-9976 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 an additional point of diversion proposed in application T-9976 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2006, 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 changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 6582 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 6582.
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. When required by the Department, 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 6582 shall continue to be in accordance with the terms and conditions of Certificate 6582.

Dated at Salem, Oregon this 2nd day of January, 2006.


For Phillip C. Ward, Director

Mailing date: JAN 27 2006