



**Authorized Place of Use:**

See Certificate 79929 for a complete listing of authorized place of use.

- 3. Application T-9987 proposes to add a point of diversion approximately 8.0 miles downstream in the source to:

Township		Range		Meridian	Sec	¼ ¼	Location
5	N	26	E	W.M.	23	SE NE	800 Feet North & 200 Feet West from E¼ Corner, Section 23

- 4. 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.
- 5. 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.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 7. The proposed change would not result in enlargement of the right.
- 8. 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**

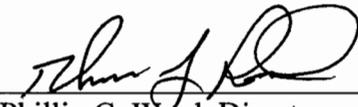
The temporary additional point of diversion proposed in application T-9987 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

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

- 1. The additional point of diversion proposed in application T-9987 is approved.
- 2. The proposed additional point of diversion shall revert to the authorized points of diversion at the end of the 2005 irrigation season or the end of the Governor’s declared drought, whichever occurs first.
- 3. The quantity of water diverted at the additional point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
- 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. Issuance of this temporary drought transfer order may not protect the person receiving the transfer from liability for improper use of the water under the transfer.
6. A subsequent application for permanent transfer of Certificate 79929 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.
7. 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.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

Dated at Salem, Oregon this 11<sup>th</sup> day of August, 2005.

  
Phillip C. Ward, Director

Mailing date: AUG 12 2005