

Source: MOON CREEK, tributary to the JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	28	NW SE	NONE GIVEN

Authorized Place of Use:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	29	NE NE	6.8
13 S	29 E	WM	29	NW NE	2.0

3. Temporary Transfer Application T-10944 proposes to temporarily change the place of use of a portion of the right to:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SE	8.8

4. The portion of Certificate 24921 to be temporarily transferred is as follows:

Certificate: 24921 in the name of IRA G and CLARA A BOYCE (confirmed by John Day River (F) Decree)

Use: IRRIGATION of 75.2 ACRES

Priority Date: 1865

Rate: 1.88 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and .75 acre-foot per acre thereafter; and shall be further limited to a diversion of not to exceed 5 acre-feet per acre for each acre irrigated during the irrigation season, measured at the point of diversion..

Source: JOHN DAY RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	21	SW SW	NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SE	40.0
13 S	29 E	WM	20	NW SE	30.2
13 S	29 E	WM	20	SE SE	5.0

5. Temporary Transfer Application T-10944 proposes to temporarily change the place of use of a portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SW	6.5
13 S	29 E	WM	20	SE SW	7.0
13 S	29 E	WM	20	SW SE	27.2
13 S	29 E	WM	20	SE SE	25.7
13 S	29 E	WM	29	NE NE	6.8
13 S	29 E	WM	29	NW NE	2.0

6. The portion of Certificate 24922 to be temporarily transferred is as follows:

Certificate: 24922 in the name of IRA G and CLARA A BOYCE (confirmed by John Day River (F) Decree)

Use: IRRIGATION of 53.9 ACRES, LIVESTOCK AND DOMESTIC

Priority Date: 1872

Rate: 1.34 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH of one cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30, measured at point of diversion

Source: MOON CREEK, tributary to the JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	28	NW SE	NONE GIVEN

Authorized Place of Use:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	SE SW	1.0
13 S	29 E	WM	20	SW SE	27.2
13 S	29 E	WM	20	SE SE	25.7

7. Temporary Transfer Application T-10944 proposes to temporarily change the place of use of a portion of the right to:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SE	31.0
13 S	29 E	WM	20	NW SE	17.9
13 S	29 E	WM	20	SE SE	5.0

8. The portion of Certificate 24923 to be temporarily transferred is as follows:

Certificate: 24923 in the name of IRA G and CLARA A BOYCE (confirmed by John Day River (F) Decree)

Use: IRRIGATION of 12.3 ACRES AND DOMESTIC

Priority Date: 1882

Rate: 0.62 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH of one cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30, measured at the point of diversion.

Source: DUSTIN CREEK and PICNIC CREEK, tributary to the JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	29	NE NW	NONE GIVEN
13 S	29 E	WM	29	NW NW	NONE GIVEN

Authorized Place of Use:

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SW	6.5
13 S	29 E	WM	20	SE SW	5.8

9. Temporary Transfer Application T-10944 proposes to temporarily change the place of use of a portion of the right to:

IRRIGATION AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NW SE	12.3

10. The portion of Certificate 77607 to be temporarily transferred is as follows

Certificate: 77607 in the name of RICHARD MCKINLEY (perfected under Permit S-3163)

Use: IRRIGATION of 75.2 ACRES

Priority Date: OCTOBER 23, 1916

Rate: 0.94 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to

exceed 1 acre-foot per acre for each acre irrigated during any month prior to July 1, and thereafter $\frac{3}{4}$ of one acre-foot per acre irrigated and shall be further limited to a total diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

Source: JOHN DAY RIVER, tributary to the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	20	NE SW	2530 FEET NORTH AND 2810 FEET WEST FROM SE CORNER, SECTION 20
13 S	29 E	WM	21	SW SW	SOUTH 27 DEGREES 30 MINUTES EAST 1817 FEET FROM THE W $\frac{1}{4}$ CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SW	6.5
13 S	29 E	WM	20	SE SW	7.0
13 S	29 E	WM	20	SW SE	27.2
13 S	29 E	WM	20	SE SE	25.7
13 S	29 E	WM	29	NE NE	6.8
13 S	29 E	WM	29	NW NE	2.0

11. Temporary Transfer Application T-10944 proposes to temporarily change the place of use of a portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SE	0.2

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	20	NE SE	31.0
13 S	29 E	WM	20	NE SE	8.8
13 S	29 E	WM	20	NW SE	17.9
13 S	29 E	WM	20	NW SE	12.3
13 S	29 E	WM	20	SE SE	5.0

12. Notice of the application for temporary transfer was published on September 8, 2009, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

Temporary Transfer Review Criteria

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

14. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes 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

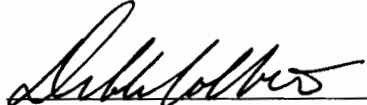
The temporary changes in places of use proposed in Temporary Transfer Application T-10944 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in places of use proposed in Temporary Transfer Application T-10944 are approved.
2. The change in use from irrigation to supplemental irrigation under Certificate 77607 is not a permanent change and is in force only during the term of this Temporary Transfer.
3. The former places of use **shall not** be irrigated as part of these water rights during the 2010, 2011, 2012, 2013 and 2014 irrigation seasons.
4. The use shall revert to the authorized places of use at the end of the 2014 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
6. A subsequent application for permanent transfer of Certificates 26025, 24921, 24922, 29423, and 77607 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. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 26025, 24921, 24922, 29423, and 77607.
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.
9. The water user shall maintain and operate the existing measurement devices and headgates, and shall make such improvements as may be required by the Department.

10. The use of the remaining water rights described by Certificates 26025, 24921, 24922, 29423, and 77607 shall continue to be in accordance with the terms and conditions of Certificates 26025, 24921, 24922, 29423, and 77607.

Dated at Salem, Oregon this 23rd day of October, 2009.



Phillip C. Ward, Director

Mailing Date: OCT 27 2009