

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: MILL CREEK, tributary to the YAMHILL RIVER (SOUTH YAMHILL RIVER)

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	6 W	WM	27	NW SW	54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	27	NE SW	54	13.2
6 S	6 W	WM	27	NW SE	54	6.8

- Temporary Transfer Application T-11211 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	27	SW NE	54	10.0
6 S	6 W	WM	27	SE NE	54	1.0
6 S	6 W	WM	27	SE NW	54	3.0
6 S	6 W	WM	27	NW SE	54	6.0

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

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- Certificate 21135 is appurtenant to a portion of the land to which Temporary Transfer T-11211 is proposed to be used. In order to prevent enlargement of the water rights, the portion of Certificate 21135 appurtenant to the proposed place of use cannot be exercised during the term of this temporary transfer.
- The supplemental irrigation portion of Certificate 24673 is appurtenant to a portion of the land to which Temporary Transfer T-11211 is proposed to be used. In order to prevent enlargement of the water right, the supplemental irrigation portion of Certificate 24673 appurtenant to the proposed place of use cannot be exercised during the term of this temporary transfer.

9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. 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

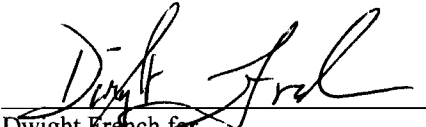
The temporary change in place of use proposed in Temporary Transfer Application T-11211 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-11211 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2011, 2012, 2013, 2014, and 2015 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2015 irrigation season.
4. The portion of the water right evidenced by Certificate 21135, appurtenant to the proposed temporary place of use, shall not be used during the term of this temporary transfer.
5. The portion of the water right evidenced by Certificate 24673 for supplemental irrigation, appurtenant to the proposed temporary place of use, shall not be used during the term of this temporary transfer.
6. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
7. A subsequent application for permanent transfer of Certificate 24673 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.
8. 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 24673.
9. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

10. The use of the remaining water right described by Certificate 24673, appurtenant to lands not covered by this temporary transfer, shall continue to be in accordance with the terms and conditions of Certificate 24673.

Dated at Salem, Oregon this 22 day of April, 2011.


Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 25 2011