

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application        )  
T-14345, Benton County                    )  
  )  
  )        FINAL ORDER APPROVING A TEMPORARY  
  )        CHANGE IN PLACE OF USE AND POINT OF  
  )        DIVERSION

**Authority**

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

AARON L. BISHOP AND KATI L. BISHOP  
16024 ALSEA HIGHWAY  
ALSEA, OR 97324

**Findings of Fact**

1. On November 1, 2023, AARON L. BISHOP AND KATI L. BISHOP filed an application to temporarily change the place of use and to change the point of diversion to serve the proposed place of use under Certificate 27254 for a period of 5 years. The Department assigned the application number T-14345.

2. Notice of the application for transfer was published on November 7, 2023, pursuant to OAR 690-380-4000.

3. The portion of the right to be temporarily transferred is as follows:

**Certificate:**       27254 in the name of BERYL O. TOM (perfected under Permit S-22109)  
**Use:**                IRRIGATION of 4.0 ACRES  
**Priority Date:**    DECEMBER 24, 1952  
**Rate:**             0.03 CUBIC FOOT PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**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:** ALSEA RIVER, a tributary of PACIFIC OCEAN

**Authorized Point of Diversion:**

Twsp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
14 S	8 W	WM	10	NW NE	40	NONE GIVEN

**Authorized Place of Use:**

IRRIGATION						
Twsp	Rng	Mer	Sec	Q-Q	DLC	Acres
14 S	8 W	WM	10	NE NE	40	4.0

4. Temporary Transfer Application T-14345 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twsp	Rng	Mer	Sec	Q-Q	Acres
14 S	8 W	WM	6	NE SW	3.2
14 S	8 W	WM	6	NW SW	0.8
Total					4.0

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14345 proposes to move the authorized point of diversion approximately 3.2 miles downstream to:

Twsp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	8 W	WM	6	NE SW	760 FEET SOUTH AND 2110 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 6

**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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).

9. The proposed changes, as conditioned, 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(5) 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 and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14345 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

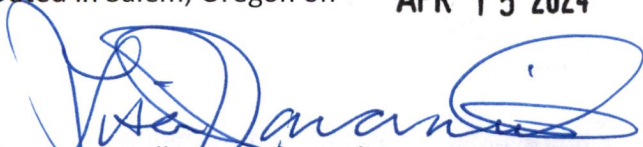
1. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14345 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2024, 2025, 2026, 2027 and 2028 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2028 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
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. The quantity of water diverted at the proposed temporary point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. A subsequent application for permanent transfer of Certificate 27254 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 place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 27254.
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. Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion (new and existing) with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

10. The use of the remaining water right described by Certificate 27254 shall continue to be in accordance with the terms and conditions of Certificate 27254.

Dated in Salem, Oregon on **APR 15 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date: **APR 16 2024**