

5. On February 1, and 5, 2024, the Department contacted the agent for the applicant regarding deficiencies in table 2 for Certificates 94967, 94969, and 96377 and Permits S-54980 and S-55268, specifically the “from” and “to” acres in Table 2 of Transfer Application T-14363 were incorrect.
6. On February 5, 2024, the agent for the applicant submitted amended application pages and maps, satisfying the deficiencies.
7. The watermaster requires that the applicant secure the headgate located at the Willow Creek point of diversion, described in Finding of Fact 10 and completely block the flood ditch serving the north acres being transferred off. The from lands under Certificates 30021 and 82489, previously approved under Temporary District Transfer T-14215, continued receiving water during the 2023 season. Uncontrollable and un-metered flood ditch irrigation from Willow Creek was allowed to irrigate the off lands, resulting in enlargement of the rights. The headgate needs to be secured upstream from the reservoir and must be capable of regulating flow, as well as the flood ditch serving the off lands, must be completely blocked during the term of Temporary Transfer Application T-14363.
8. On March 21, 2024, the Department contacted the agent for the applicant regarding deficiencies in the application, specifically the “from” maps for Certificate 82989, and Permits S-54980 and S-55268, do not include the portion of the water rights not proposed for transfer, the “from” lands described in table 2 for Permit S-55268 requests 0.6 more acres than are available in the NW NW of Section 35, T1S, R25E, WM, and the “to” lands for Permit S-54980 incorrectly describes the acres in the SE SE of Section 35, T1S, R25E, WM as 26.6 acres.
9. On March 22, 2024, the agent for the applicant submitted amended application pages and maps, satisfying the deficiencies.
10. The first right to be temporarily transferred is as follows:

Certificate: 30021 issued in the name NEWT O’HARRA (perfected under Permit S-20861)
Use: IRRIGATION of 33.9 acres
Priority Dates: NOVEMBER 9, 1951
Rate: 0.57 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, shall be limited to ONE-SIXTIETH 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year.
Source: WILLOW CREEK, a tributary of COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
1 S	25 E	WM	35	NE SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	35	SW NE	2.8
1 S	25 E	WM	35	NW NW	1.4
1 S	25 E	WM	35	SW NW	5.1
1 S	25 E	WM	35	SE NW	11.6
1 S	25 E	WM	35	NE SE	3.2
1 S	25 E	WM	35	NW SE	9.8
Total					33.9

11. Temporary Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	25 E	WM	3	NW NE	28.7
2 S	25 E	WM	3	SW NE	5.2
Total					33.9

12. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14363 proposes to move the authorized point of diversion approximately 6.27 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
2 S	26 E	WM	27	NE NW	HEPPNER-LEXINGTON PIPELINE -1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

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

Certificate: 82489 issued in the name JANE PENLAND (confirmed by decree of the Circuit Court of the State of Oregon for Morrow County. Recorded at Special Order Volume 1, at Page 73.)

Use: IRRIGATION of 9.8 acres

Priority Date: 1875

Rate: 0.22 CUBIC FOOT PER SECOND

Source: WILLOW CREEK, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
1 S	25 E	WM	34	N½ NE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	34	NE NE	8.8
1 S	25 E	WM	34	NW NE	1.0
Total					9.8

14. Temporary Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	25 E	WM	3	SW NE	9.8

15. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14363 proposes to move the authorized point of diversion approximately 6.27 MILES UPSTREAM to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
2 S	26 E	WM	27	NE NW	HEPPNER-LEXINGTON PIPELINE -1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

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

Certificate: 94967 issued in the name of ELMER E. PADBERG (perfected under Permit S-48116)

Use: SUPPLEMENTAL IRRIGATION of 435.5 acres

Priority Date: AUGUST 3, 1983

Rate: 3.24 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-SIXTIETH of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitations allowed herein, provided further that although declared herein to be for supplemental irrigation in part the right allowed may, in the interest of conserving the groundwater supplies, be exercised at times when water is available in the groundwater supply provided that the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: WILLOW CREEK, a tributary the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	35	NE SE	1550 FEET NORTH AND 640 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
1 S	25 E	WM	34	NW NE		16.2
1 S	25 E	WM	34	SW NE		39.3
1 S	25 E	WM	34	SE NE		31.3
1 S	25 E	WM	34	NE SE		17.6
1 S	25 E	WM	34	NW SE		9.9
1 S	25 E	WM	34	SE SE		9.1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
1 S	25 E	WM	35	SW NE		0.4
1 S	25 E	WM	35	SW NW		19.0
1 S	25 E	WM	35	SE NW		6.3
1 S	25 E	WM	35	NE SW		37.3
1 S	25 E	WM	35	NW SW		30.4
1 S	25 E	WM	35	SW SW		24.8
1 S	25 E	WM	35	SE SW		13.5
1 S	25 E	WM	35	NE SE		4.1
1 S	25 E	WM	35	NW SE		20.5
1 S	25 E	WM	35	SW SE		40.0
1 S	25 E	WM	35	SE SE		26.8
2 S	25 E	WM	2	NE NE	1	12.8
2 S	25 E	WM	2	NW NE	2	28.7
2 S	25 E	WM	2	SW NE		33.9
2 S	25 E	WM	2	SE NE		8.3
2 S	25 E	WM	2	NE NW	3	5.3
Total						435.5

17. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14363 proposes to move the authorized point of diversion approximately 6.27 MILES UPSTREAM to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance
2 S	26 E	WM	27	NE NW	HEPPNER-LEXINGTON PIPELINE -1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

18. Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	25 E	WM	35	NE SW		18.6
1 S	25 E	WM	35	NW SW		16.6
1 S	25 E	WM	35	SW SW		16.5
1 S	25 E	WM	35	SE SW		12.0
1 S	25 E	WM	35	NE SE		3.5
1 S	25 E	WM	35	NW SE		11.0
1 S	25 E	WM	35	SW SE		40.0
1 S	25 E	WM	35	SE SE		26.8
2 S	25 E	WM	2	NE NE	1	10.4
2 S	25 E	WM	2	NW NE	2	27.0
2 S	25 E	WM	2	SW NE		33.9
2 S	25 E	WM	2	SE NE		5.5
2 S	25 E	WM	2	NE NW	3	3.7
2 S	25 E	WM	2	SE SW		2.0
2 S	25 E	WM	2	SW SE		2.2
2 S	25 E	WM	3	NE NE	1	31.1
2 S	25 E	WM	3	SW NE		16.0
2 S	25 E	WM	3	SE NE		30.0
2 S	25 E	WM	10	NE NE		0.2
2 S	25 E	WM	10	SE NE		10.7
2 S	25 E	WM	11	NE NE		1.1
2 S	25 E	WM	11	NW NE		33.4

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	25 E	WM	11	SW NE		31.7
2 S	25 E	WM	11	SE NE		0.6
2 S	25 E	WM	11	NE NW		21.0
2 S	25 E	WM	11	NW NW		0.8
2 S	25 E	WM	11	SW NW		0.4
2 S	25 E	WM	11	SE NW		28.8
Total						435.5

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

Certificate: 94969 issued in the name of ELMER E. PADBERG (perfected under Permit G-6828)

Use: IRRIGATION of 434.9 acres and SUPPLEMENTAL IRRIGATION of 38.5 acres

Priority Date: OCTOBER 1, 1973

Rate: 2.83 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-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 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: PADBERG WELL within the WILLOW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	35	NW SE	WELL #1: 1810 FEET NORTH AND 1680 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	25 E	WM	34	NW NE		16.2
1 S	25 E	WM	34	SW NE		39.3
1 S	25 E	WM	34	SE NE		31.3
1 S	25 E	WM	34	NE SE		17.6
1 S	25 E	WM	34	NW SE		8.3
1 S	25 E	WM	34	SE SE		9.1
1 S	25 E	WM	35	SW NE		0.4
1 S	25 E	WM	35	SW NW		19.2
1 S	25 E	WM	35	SE NW		6.3
1 S	25 E	WM	35	NE SW		37.3
1 S	25 E	WM	35	NW SW		30.4
1 S	25 E	WM	35	SW SW		24.8
1 S	25 E	WM	35	SE SW		13.5
1 S	25 E	WM	35	NE SE		4.9
1 S	25 E	WM	35	NW SE		20.5
1 S	25 E	WM	35	SW SE		40.0
1 S	25 E	WM	35	SE SE		26.8
2 S	25 E	WM	2	NE NE	1	12.8

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 S	25 E	WM	2	NW NE	2	28.7
2 S	25 E	WM	2	SW NE		33.9
2 S	25 E	WM	2	SE NE		8.3
2 S	25 E	WM	2	NE NW	3	5.3
Total						434.9

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	34	NE NE	8.5
1 S	25 E	WM	34	NW NE	0.8
1 S	25 E	WM	35	SW NE	2.8
1 S	25 E	WM	35	NW NW	1.4
1 S	25 E	WM	35	SW NW	5.1
1 S	25 E	WM	35	SE NW	10.0
1 S	25 E	WM	35	NE SE	2.2
1 S	25 E	WM	35	NW SE	7.7
Total					38.5

20. Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	25 E	WM	35	NE SW		18.6
1 S	25 E	WM	35	NW SW		16.6
1 S	25 E	WM	35	SW SW		16.5
1 S	25 E	WM	35	SE SW		12.0
1 S	25 E	WM	35	NE SE		3.5
1 S	25 E	WM	35	NW SE		11.0
1 S	25 E	WM	35	SW SE		40.0
1 S	25 E	WM	35	SE SE		26.8
2 S	25 E	WM	2	NE NE	1	10.4
2 S	25 E	WM	2	NW NE	2	27.0
2 S	25 E	WM	2	SW NE		33.9
2 S	25 E	WM	2	SE NE		5.5
2 S	25 E	WM	2	NE NW	3	3.7
2 S	25 E	WM	2	SE SW		2.0
2 S	25 E	WM	2	SW SE		2.2
2 S	25 E	WM	3	NE NE	1	31.1
2 S	25 E	WM	3	SW NE		16.0
2 S	25 E	WM	3	SE NE		30.0
2 S	25 E	WM	10	NE NE		0.2
2 S	25 E	WM	10	SE NE		10.7
2 S	25 E	WM	11	NE NE		1.1
2 S	25 E	WM	11	NW NE		33.4
2 S	25 E	WM	11	SW NE		31.7
2 S	25 E	WM	11	NE NW		21.0
2 S	25 E	WM	11	NW NW		0.8
2 S	25 E	WM	11	SW NW		0.4
2 S	25 E	WM	11	SE NW		28.8
Total						434.9

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	25 E	WM	3	NW NE	28.7
2 S	25 E	WM	3	SW NE	9.8
Total					38.5

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

Certificate: 94970 issued in the name of ELMER E. PADBERG (perfected under Permit G-6828)
Use: IRRIGATION of 120.9 acres
Priority Date: OCTOBER 1, 1973
Rate: 0.72 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: PADBERG WELL WITHIN THE WILLOW CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	35	NW SE	WELL #1: 1810 FEET NORTH AND 1680 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	35	SE SE	0.4
2 S	25 E	WM	2	NE NE	1.5
2 S	25 E	WM	2	NW NE	2.7
2 S	25 E	WM	2	NE SW	19.8
2 S	25 E	WM	2	NW SW	25.5
2 S	25 E	WM	2	SW SW	33.3
2 S	25 E	WM	2	SE SW	27.3
2 S	25 E	WM	2	NE SE	13.0
2 S	25 E	WM	2	NW SE	28.8
2 S	25 E	WM	2	SW SE	36.5
2 S	25 E	WM	2	SE SW	18.0
Total					206.8

22. Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	34	SE NE	31.8
1 S	25 E	WM	34	NE SE	15.5
1 S	25 E	WM	34	SE SE	6.3
1 S	25 E	WM	35	SW NE	1.0
1 S	25 E	WM	35	SW NW	16.8
1 S	25 E	WM	35	SE NW	4.8
1 S	25 E	WM	35	NE SW	18.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	35	NW SW	11.7
1 S	25 E	WM	35	SW SW	6.8
1 S	25 E	WM	35	SE SW	1.0
1 S	25 E	WM	35	NW SE	6.4
2 S	25 E	WM	2	NW NW	32.5
2 S	25 E	WM	2	SW NW	32.5
2 S	25 E	WM	3	NW SE	1.0
2 S	25 E	WM	3	NW SE	1.0
2 S	25 E	WM	3	SW SE	1.0
2 S	25 E	WM	3	SE SE	1.0
2 S	25 E	WM	11	NE NW	16.9
Total					206.8

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

- Certificate:** 96377 issued in the names FRANK TIEGS, LLC, ANDY AND ANDREA FLETCHER, AND LEE PADBERG (perfected under Permit G-15586)
- Use:** IRRIGATION of 130.1 acres, and IRRIGATION for 686.0 acres to make up a deficiency in rate
- Priority Date:** APRIL 3, 2003
- Rate:** Not to exceed 3.68 CUBIC FEET PER SECOND (CFS), BEING 1.63 CFS for IRRIGATION of 130.1 acres and 3.68 CFS for supplemental irrigation to make up a deficiency in rate for 601.2 acres in any combination not to exceed 3.3 CFS, and as further limited on the certificate in combination with other uses.
- Limit/Duty:** The amount of water used for irrigation under this right, 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
- Source:** WELL 1 IN THE WILLOW CREEK BASIN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	35	NW SE	WELL #1 (ORIGINAL): 1810 FEET NORTH AND 1680 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	34	NE NE	0.3
1 S	25 E	WM	34	SE NE	1.4
1 S	25 E	WM	34	NE NW	10.9
1 S	25 E	WM	34	NW NW	21.9
1 S	25 E	WM	34	SW NW	30.4
1 S	25 E	WM	34	SE NW	16.8
1 S	25 E	WM	34	NE SE	0.3
1 S	25 E	WM	34	NW SE	0.3
1 S	25 E	WM	34	SW SE	0.1
1 S	25 E	WM	34	SE SE	3.3
1 S	25 E	WM	35	NE SW	0.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	35	SW SW	4.0
1 S	25 E	WM	35	SE SW	11.6
2 S	25 E	WM	2	NW NE	9.3
2 S	25 E	WM	2	NE NW	7.9
2 S	25 E	WM	2	SW NW	7.8
2 S	25 E	WM	2	SE NW	3.1
Total					130.1

IRRIGATION TO MAKE UP DEFICIENCY IN RATE					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	34	NE NE	8.8
1 S	25 E	WM	34	NW NE	17.0
1 S	25 E	WM	34	SW NE	39.3
1 S	25 E	WM	34	SE NE	31.3
1 S	25 E	WM	34	NE SE	17.6
1 S	25 E	WM	34	NW SE	14.5
1 S	25 E	WM	34	SE SE	9.1
1 S	25 E	WM	35	SW NE	3.2
1 S	25 E	WM	35	NW NW	0.9
1 S	25 E	WM	35	SW NW	24.3
1 S	25 E	WM	35	SE NW	16.3
1 S	25 E	WM	35	NE SW	37.3
1 S	25 E	WM	35	NW SW	30.4
1 S	25 E	WM	35	SW SW	24.8
1 S	25 E	WM	35	SE SW	13.5
1 S	25 E	WM	35	NE SE	7.1
1 S	25 E	WM	35	NW SE	28.2
1 S	25 E	WM	35	SW SE	40.0
1 S	25 E	WM	35	SE SE	27.0
2 S	25 E	WM	2	NE NE	14.3
2 S	25 E	WM	2	NW NE	31.4
2 S	25 E	WM	2	SW NE	33.9
2 S	25 E	WM	2	SE NE	8.3
2 S	25 E	WM	2	NE NW	5.3
2 S	25 E	WM	2	NE SW	19.8
2 S	25 E	WM	2	NW SW	25.5
2 S	25 E	WM	2	SW SW	33.3
2 S	25 E	WM	2	SE SW	27.3
2 S	25 E	WM	2	NE SE	13.0
2 S	25 E	WM	2	NW SE	28.8
2 S	25 E	WM	2	SW SE	36.5
2 S	25 E	WM	2	SE SE	18.0
Total					686.0

24. Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	25 E	WM	2	SW SW	1.9
2 S	25 E	WM	3	SE SW	3.4
2 S	25 E	WM	10	NE NE	38.3

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	25 E	WM	10	NW NE	3.4
2 S	25 E	WM	10	SW NE	1.8
2 S	25 E	WM	10	SE NE	21.8
2 S	25 E	WM	11	NW NW	32.8
2 S	25 E	WM	11	SW NW	26.7
Total					130.1

IRRIGATION to MAKE UP DEFICIENCY IN RATE					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	25 E	WM	34	SE NE	31.8
1 S	25 E	WM	34	NE SE	15.5
1 S	25 E	WM	34	SE SE	6.3
1 S	25 E	WM	35	SW NE	1.0
1 S	25 E	WM	35	SW NW	16.8
1 S	25 E	WM	35	SE NW	4.8
1 S	25 E	WM	35	NE SW	37.4
1 S	25 E	WM	35	NW SW	28.3
1 S	25 E	WM	35	SW SW	23.3
1 S	25 E	WM	35	SE SW	13.0
1 S	25 E	WM	35	NE SE	3.5
1 S	25 E	WM	35	NW SE	17.4
1 S	25 E	WM	35	SW SE	40.0
1 S	25 E	WM	35	SE SE	26.8
2 S	25 E	WM	2	NE NE	10.4
2 S	25 E	WM	2	NW NE	27.0
2 S	25 E	WM	2	SW NE	33.9
2 S	25 E	WM	2	SE NE	5.5
2 S	25 E	WM	2	NE NW	3.7
2 S	25 E	WM	2	NW NW	32.5
2 S	25 E	WM	2	SW NW	32.5
2 S	25 E	WM	2	SE SW	2.0
2 S	25 E	WM	2	SW SE	2.2
2 S	25 E	WM	3	NE NE	31.1
2 S	25 E	WM	3	NW NE	28.7
2 S	25 E	WM	3	SW NE	31.0
2 S	25 E	WM	3	SE NE	30.0
2 S	25 E	WM	3	SE SE	1.0
2 S	25 E	WM	3	NE SE	1.0
2 S	25 E	WM	3	NW SE	1.0
2 S	25 E	WM	3	SW SE	1.0
2 S	25 E	WM	10	NE NE	0.2
2 S	25 E	WM	10	SE NE	10.7
2 S	25 E	WM	11	NE NW	37.9
2 S	25 E	WM	11	NW NW	0.8
2 S	25 E	WM	11	SW NW	0.4
2 S	25 E	WM	11	SE NW	28.8
2 S	25 E	WM	11	NE NE	1.1
2 S	25 E	WM	11	NW NE	33.4
2 S	25 E	WM	11	SW NE	31.7
2 S	25 E	WM	11	SE NE	0.6
Total					686.0

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

Permit: S-54980 issued in the name of WILLOW CREEK DISTRICT IMPROVEMENT COMPANY

Use: SUPPLEMENTAL IRRIGATION OF 609.3 ACRES

Priority Date: JANUARY 6, 2009

Max Volume: 600.1 ACRE-FEET

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WILLOW CREEK RESERVOIR (Permit R-10880), tributary to WILLOW CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	27	NE NW	HEPPNER-LEXINGTON PIPELINE -1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert.
1 S	25 E	WM	34	NE NE	0.3	96377
1 S	25 E	WM	34	NE NE	8.8	82489
1 S	25 E	WM	34	NW NE	16.2	94969
1 S	25 E	WM	34	NW NE	1.0	82489
1 S	25 E	WM	34	SW NE	39.3	94969
1 S	25 E	WM	34	SE NE	31.3	94969
1 S	25 E	WM	34	SE NE	1.4	96377
1 S	25 E	WM	34	NE NW	10.9	96377
1 S	25 E	WM	34	NW NW	21.9	96377
1 S	25 E	WM	34	SW NW	30.4	96377
1 S	25 E	WM	34	SE NW	16.8	96377
1 S	25 E	WM	34	NE SE	17.6	94969
1 S	25 E	WM	34	NE SE	0.3	96377
1 S	25 E	WM	34	NW SE	9.4	94969
1 S	25 E	WM	34	NW SE	0.3	96377
1 S	25 E	WM	34	SW SE	0.1	96377
1 S	25 E	WM	34	SE SE	8.0	94969
1 S	25 E	WM	34	SE SE	3.3	96377
1 S	25 E	WM	35	SW NE	0.4	94969
1 S	25 E	WM	35	SW NE	2.8	30021
1 S	25 E	WM	35	NW NW	1.4	30021
1 S	25 E	WM	35	NW NW	0.6	94969
1 S	25 E	WM	35	SW NW	5.1	30021
1 S	25 E	WM	35	SW NW	19.2	94969
1 S	25 E	WM	35	SE NW	11.6	30021
1 S	25 E	WM	35	SE NW	6.3	94969
1 S	25 E	WM	35	NE SW	37.3	94969
1 S	25 E	WM	35	NE SW	0.7	96377
1 S	25 E	WM	35	NW SW	30.4	94969
1 S	25 E	WM	35	SW SW	24.8	94969
1 S	25 E	WM	35	SW SW	4.0	96377

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert.
1 S	25 E	WM	35	SE SW	13.5	94969
1 S	25 E	WM	35	SE SW	11.6	96377
1 S	25 E	WM	35	NE SE	3.2	30021
1 S	25 E	WM	35	NE SE	4.9	94969
1 S	25 E	WM	35	NW SE	9.8	30021
1 S	25 E	WM	35	NW SE	20.5	94969
1 S	25 E	WM	35	SW SE	40.0	94969
1 S	25 E	WM	35	SE SE	26.8	94969
2 S	25 E	WM	2	NE NE	12.8	94969
2 S	25 E	WM	2	NW NE	28.7	94969
2 S	25 E	WM	2	NW NE	9.3	96377
2 S	25 E	WM	2	SW NE	33.9	94969
2 S	25 E	WM	2	SE NE	8.3	94969
2 S	25 E	WM	2	NE NW	5.3	94969
2 S	25 E	WM	2	NE NW	7.9	96377
2 S	25 E	WM	2	SW NW	7.8	96377
2 S	25 E	WM	2	SE NW	3.1	96377
Total					609.3	

26. Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert.
1 S	25 E	WM	35	NE SW	18.6	94969
1 S	25 E	WM	35	NW SW	16.6	94969
1 S	25 E	WM	35	SW SW	16.5	94969
1 S	25 E	WM	35	SE SW	12.0	94969
1 S	25 E	WM	35	NE SE	3.5	94969
1 S	25 E	WM	35	NW SE	11.0	94969
1 S	25 E	WM	35	SW SE	40.0	94969
1 S	25 E	WM	35	SE SE	26.8	94969
2 S	25 E	WM	2	NE NE	10.4	94969
2 S	25 E	WM	2	NW NE	27.0	94969
2 S	25 E	WM	2	SW NE	33.9	94969
2 S	25 E	WM	2	SE NE	5.5	94969
2 S	25 E	WM	2	NE NW	3.7	94969
2 S	25 E	WM	2	SW SW	1.9	96377
2 S	25 E	WM	2	SE SW	2.0	94969
2 S	25 E	WM	2	SW SE	2.2	94969
2 S	25 E	WM	3	NE NE	31.1	94969
2 S	25 E	WM	3	NW NE	28.7	30021
2 S	25 E	WM	3	SW NE	5.2	30021
2 S	25 E	WM	3	SW NE	9.8	82489
2 S	25 E	WM	3	SW NE	16.0	94969
2 S	25 E	WM	3	SE NE	30.0	94969
2 S	25 E	WM	3	SE SE	3.4	96377
2 S	25 E	WM	10	NE NE	0.2	94969
2 S	25 E	WM	10	NE NE	38.3	96377
2 S	25 E	WM	10	NW NE	3.4	96377
2 S	25 E	WM	10	SW NE	1.8	96377

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert.
2 S	25 E	WM	10	SE NE	10.7	94969
2 S	25 E	WM	10	SE NE	21.8	96377
2 S	25 E	WM	11	NE NE	1.1	94969
2 S	25 E	WM	11	NW NE	33.4	94969
2 S	25 E	WM	11	SW NE	31.7	94969
2 S	25 E	WM	11	SE NE	0.6	94969
2 S	25 E	WM	11	NE NW	21.0	94969
2 S	25 E	WM	11	NW NW	0.8	94969
2 S	25 E	WM	11	NW NW	32.8	96377
2 S	25 E	WM	11	SW NW	0.4	94969
2 S	25 E	WM	11	SW NW	26.7	96377
2 S	25 E	WM	11	SE NW	28.8	94969
					609.3	

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

Permit: S-55268 issued in the name of WILLOW CREEK DISTRICT IMPROVEMENT COMPANY
Use: SUPPLEMENTAL IRRIGATION OF 810.9 ACRES
Priority Date: JANUARY 6, 2009
Max Volume: 323.0 ACRE-FEET
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 a diversion of not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WILLOW CREEK RESERVOIR (Permit R-10880), tributary to WILLOW CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	27	NE NW	HEPPNER-LEXINGTON PIPELINE -1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert
1 S	25 E	WM	34	NE NE	0.3	96377
1 S	25 E	WM	34	NE NE	8.8	82489
1 S	25 E	WM	34	NW NE	16.2	94969
1 S	25 E	WM	34	NW NE	1.0	82489
1 S	25 E	WM	34	SW NE	39.3	94969
1 S	25 E	WM	34	SE NE	1.4	96377
1 S	25 E	WM	34	SE NE	31.3	94969
1 S	25 E	WM	34	NE NW	10.9	96377
1 S	25 E	WM	34	NW NW	21.9	96377
1 S	25 E	WM	34	SW NW	30.4	96377
1 S	25 E	WM	34	SE NW	16.8	96377
1 S	25 E	WM	34	NE SE	17.6	94969
1 S	25 E	WM	34	NE SE	0.3	96377

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert
1 S	25 E	WM	34	NW SE	9.4	94969
1 S	25 E	WM	34	NW SE	0.3	96377
1 S	25 E	WM	34	SW SE	0.1	96377
1 S	25 E	WM	34	SE SE	3.3	96377
1 S	25 E	WM	34	SE SE	8.0	94969
1 S	25 E	WM	35	SW NE	2.8	30021
1 S	25 E	WM	35	SW NE	0.4	94969
1 S	25 E	WM	35	NW NW	1.4	30021
1 S	25 E	WM	35	SW NW	19.2	94969
1 S	25 E	WM	35	SW NW	5.1	30021
1 S	25 E	WM	35	SE NW	6.3	94969
1 S	25 E	WM	35	SE NW	11.6	30021
1 S	25 E	WM	35	NE SW	37.3	94969
1 S	25 E	WM	35	NE SW	0.7	96377
1 S	25 E	WM	35	NW SW	30.4	94969
1 S	25 E	WM	35	SW SW	4.0	96377
1 S	25 E	WM	35	SW SW	24.8	94969
1 S	25 E	WM	35	SE SW	13.5	94969
1 S	25 E	WM	35	SE SW	11.6	96377
1 S	25 E	WM	35	NE SE	4.9	94969
1 S	25 E	WM	35	NE SE	3.2	30021
1 S	25 E	WM	35	NW SE	9.8	30021
1 S	25 E	WM	35	NW SE	20.5	94969
1 S	25 E	WM	35	SW SE	40.0	94969
1 S	25 E	WM	35	SE SE	26.8	94969
2 S	25 E	WM	2	NE NE	12.8	94969
2 S	25 E	WM	2	NW NE	28.7	94969
2 S	25 E	WM	2	NW NE	9.3	96377
2 S	25 E	WM	2	SW NE	33.9	94969
2 S	25 E	WM	2	SE NE	8.3	94969
2 S	25 E	WM	2	NE NW	5.3	94969
2 S	25 E	WM	2	NE NW	7.9	96377
2 S	25 E	WM	2	SW NW	7.8	96377
2 S	25 E	WM	2	SE NW	3.1	96377
2 S	25 E	WM	2	NE SW	19.8	94970
2 S	25 E	WM	2	NW SW	25.5	94970
2 S	25 E	WM	2	SW SW	33.3	94970
2 S	25 E	WM	2	SE SW	27.3	94970
2 S	25 E	WM	2	NE SE	13.0	94970
2 S	25 E	WM	2	NW SE	28.8	94970
2 S	25 E	WM	2	SW SE	36.5	94970
2 S	25 E	WM	2	NE SE	18.0	94970
Total					810.9	

28. Transfer Application T-14363 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert.
1 S	25 E	WM	34	SE NE	31.8	94970
1 S	25 E	WM	34	NE SE	15.5	94970
1 S	25 E	WM	34	SE SE	6.3	94970

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Primary Cert.
1 S	25 E	WM	35	SW NE	0.4	94970
1 S	25 E	WM	35	SW NW	16.8	94970
1 S	25 E	WM	35	SE NW	4.8	94970
1 S	25 E	WM	35	NE SW	18.8	94970
1 S	25 E	WM	35	NW SW	11.7	94970
1 S	25 E	WM	35	SW SW	6.8	94970
1 S	25 E	WM	35	SE SW	1.0	94970
1 S	25 E	WM	35	NW SE	6.4	94970
1 S	25 E	WM	35	NE SW	18.6	94969
1 S	25 E	WM	35	NW SW	16.6	94969
1 S	25 E	WM	35	SW SW	16.5	94969
1 S	25 E	WM	35	SE SW	12.0	94969
1 S	25 E	WM	35	NE SE	3.5	94969
1 S	25 E	WM	35	NW SE	11.0	94969
1 S	25 E	WM	35	SW SE	40.0	94969
1 S	25 E	WM	35	SE SE	26.8	94969
2 S	25 E	WM	2	NE NE	10.4	94969
2 S	25 E	WM	2	NW NE	27.0	94969
2 S	25 E	WM	2	SW NE	33.9	94969
2 S	25 E	WM	2	SE NE	5.5	94969
2 S	25 E	WM	2	NE NW	3.7	94969
2 S	25 E	WM	2	NW NW	32.5	94970
2 S	25 E	WM	2	SW NW	32.5	94970
2 S	25 E	WM	2	SW SW	1.9	96377
2 S	25 E	WM	2	SE SW	2.0	94969
2 S	25 E	WM	2	SW SE	2.2	94969
2 S	25 E	WM	3	NE NE	31.1	94969
2 S	25 E	WM	3	NW NE	28.7	30021
2 S	25 E	WM	3	SW NE	5.2	30021
2 S	25 E	WM	3	SW NE	9.8	82489
2 S	25 E	WM	3	SW NE	16.0	94969
2 S	25 E	WM	3	SE NE	30.0	94969
2 S	25 E	WM	3	SE SE	3.4	96377
2 S	25 E	WM	10	NE NE	0.2	94969
2 S	25 E	WM	10	NE NE	38.3	96377
2 S	25 E	WM	10	NW NE	3.4	96377
2 S	25 E	WM	10	SW NE	1.8	96377
2 S	25 E	WM	10	SE NE	10.7	94969
2 S	25 E	WM	10	SE NE	21.8	96377
2 S	25 E	WM	11	NE NE	1.1	94969
2 S	25 E	WM	11	NE NE	16.9	94970
2 S	25 E	WM	11	NW NE	33.4	94969
2 S	25 E	WM	11	SW NE	31.7	94969
2 S	25 E	WM	11	NE NW	21.0	94969
2 S	25 E	WM	11	NW NW	0.8	94969
2 S	25 E	WM	11	NW NW	32.8	96377
2 S	25 E	WM	11	SW NW	0.4	94969
2 S	25 E	WM	11	SW NW	26.7	96377
2 S	25 E	WM	11	SE NW	28.8	94969
					810.9	

29. Temporary Transfer Application T-14363 proposes to temporarily transfer water rights within the boundaries of Willow Creek District Improvement Company. The district was notified of the proposed temporary transfer and did not provide any comments.
30. Temporary Transfer Application T-14363 proposes to temporarily transfer water rights served by a Bureau of Reclamation storage project. The Bureau was notified of the proposed temporary transfer and did not provide any comments.

Temporary Transfer Review Criteria

31. 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.
32. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
33. The proposed changes, as conditioned, would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7). The from lands under Certificates 30021 and 82489, previously approved under Temporary District Transfer T-14215, continued receiving water during the 2023 season. Uncontrollable and un-metered flood ditch irrigation from Willow Creek was allowed to irrigate the off lands, resulting in enlargement of the rights. The headgate needs to be secured upstream from the reservoir and must be capable of regulating flow, as well as the flood ditch serving the off lands, must be completely blocked during the term of Temporary Transfer Application T-14363.
34. 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(5) 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 and points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14363 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

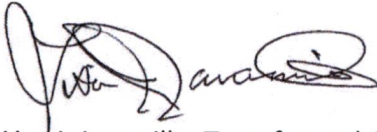
1. The temporary changes in places of use under Certificates 94969, 94970, 96377, and Permits S-54980 and S-55268 proposed in Temporary Transfer Application T-14363 are approved.
2. The temporary changes in places of use and change in points of diversion to convey water to the temporary place of use under Certificates 30021, 82489, and 94967, proposed in Temporary Transfer Application T-14363 are approved.

3. The former places of use **shall not** be irrigated as part of these water right during the 2024 irrigation season.
4. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the proposed temporary points of diversion shall be terminated concurrently.
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. The quantity of water diverted at the proposed temporary points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
7. A subsequent application for permanent transfer of Certificates 30021, 82489, 94967, 94969, 94970, 96377, 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. A subsequent application for a permit amendment of Permits S-54980 and S-55268, shall be subject to a full and complete review to determine consistency with the requirements of ORS 537.211. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a Permit Amendment.
9. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 30021, 82489, 94967, 94969, 94970, 96377 and Permits S-54980 and S-55268.
10. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
11. The watermaster requires that the applicant secure the headgate located at the Willow Creek point of diversion, described in Finding of Fact 10 and completely block the flood ditch serving the north acres being transferred off. The from lands under Certificates 30021 and 82489, previously approved under Temporary District Transfer T-14215, continued receiving water during the 2023 season. Uncontrollable and un-metered flood ditch irrigation from Willow Creek was allowed to irrigate the off lands, resulting in enlargement of the rights. The headgate needs to be secured upstream from the reservoir and must be capable of regulating flow, as well as the flood ditch serving the off lands, must be completely blocked during the term of Temporary Transfer Application T-14363.
12. 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.
 - 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.

13. The use of the remaining water rights described by Certificates 30021, 82489, 94967, 94969, 94970, 96377 and Permits S-54980 and S-55268 shall continue to be in accordance with the terms and conditions of Certificates 30021, 82489, 94967, 94969, 94970, 96377 and Permits S-54980 and S-55268.

Dated in Salem, Oregon on **APR 18 2024**



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

Mailing Date: **APR 19 2024**