

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING  
T-9907, Crook County, Oregon                         )     TEMPORARY CHANGES IN PLACE  
  )     OF USE AND POINT OF DIVERSION

ORS 537.705 and 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 or appropriation authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Shotgun Ranch LLC  
c/o Cal Cannon  
2730 NW Nightfall  
Bend, Oregon 97701

**Findings of Fact**

- 1. Shotgun Ranch LLC filed an application to temporarily transfer the place of use and point of diversion under Certificate 515 for a period of two years. The Department assigned the application number T-9907.
- 2. The portion of the right to be transferred is as follows:

**Certificate:** 515 in the name of L.H. Anderson  
**Use:** Irrigation of 15.0 acres  
**Priority Date:** 1889  
**Quantity:** 0.19 cubic foot per second  
**Rate/Duty:** 1/80 cfs per acre, not to exceed 4.0 acre-feet per acre  
**Source:** Shotgun Creek, tributary to the Crooked River

**Authorized Point of Diversion:**

Township		Range		Meridian	Sec	¼ ¼	Location
17	S	20	E	W.M.	9	SE NW	N/A

<p>This is a final order in other than 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 either 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.</p>
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**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
17	S	20	E	W.M.	4	SW SE	15.0

3. Application T-9907 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
17	S	20	E	W.M.	9	NE NW	0.8
17	S	20	E	W.M.	9	NW NW	12.3
17	S	20	E	W.M.	9	SW NW	1.9

4. As is necessary to convey the water to the proposed temporary place of use, Application T-9907 also proposes to move the authorized point of diversion to:

Township		Range		Meridian	Sec	¼ ¼	Location
17	S	20	E	W.M.	9	SW SW	2040 Feet South and 920 Feet East from W¼ Corner, Section 9

5. Certificate 515 lists two sources of water for the lands subject to transfer. They are Shotgun Creek and Drake Creek. Upon review of the adjudication map and the lay of the land in proximity to Shotgun and Drake Creeks, the Department has determined that the lands subject to transfer can be served by only Shotgun Creek.
6. 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.
7. 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.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.
10. 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.

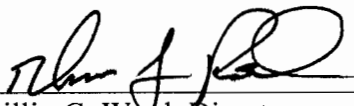
**Conclusions of Law**

The temporary changes in place of use and point of diversion proposed in application T-9907 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The changes in place of use and point of diversion proposed in application T-9907 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2005 and 2006 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2006 irrigation season.
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. A subsequent application for permanent transfer of Certificate 515 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.
6. 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 515.
7. The water right evidenced by Certificate 36980 (supplemental irrigation) appurtenant to the authorized place of use ("from" lands), **shall not** be used during the 2005 and 2006 irrigation seasons.
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. **Prior** to diverting of water at the new point of diversion, 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.
10. The use of the remaining water right described by Certificate 515 shall continue to be in accordance with the terms and conditions of Certificate 515.

Dated at Salem, Oregon this 28<sup>th</sup> day of April, 2005.

  
Phillip C. Ward, Director

Mailing date: MAY 05 2005