



**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	42 E	WM	11	SW NW	1800 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	11	SE NW	13.2

- Temporary Transfer Application T-10760 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	2	SE SW	2.8
1 N	42 E	WM	3	NE SE	10.4

- Notice of the application for temporary transfer was published on January 13, 2009, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Temporary Transfer Application T-10760 proposes to temporarily transfer a water right within the boundaries of the Lower Valley improvement District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.

***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 in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A ditch and pump sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- 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.

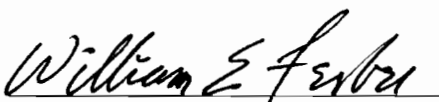
**Conclusions of Law**

The temporary change in place of use proposed in application Temporary Transfer Application T-10760 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-10760 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2009, 2010, 2011, 2012 and 2013 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2013 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 79795 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 Certificates 79795.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.
10. The use of the remaining water right described by Certificate 79795 shall continue to be in accordance with the terms and conditions of Certificate 79795.

Dated at Salem, Oregon this 20<sup>th</sup> day of February, 2009.

  
Phillip C. Ward, Director

Mailing Date: FEB 24 2009