

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

Certificate: 95713 in the name of H.K. FISHER (confirmed by Powder River Decree)
Use: IRRIGATION of 80.0 ACRES
Priority Date: 1879
Rate: 2.0 CUBIC FEET PER SECOND
Limit/Duty: The use is limited to 1/40 CUBIC FOOT PER SECOND PER ACRE or its equivalent in case of rotation, measured at the point of diversion from the source.
Source: ROCK CREEK, a tributary of POWDER RIVER

Authorized Point of Diversion:

J.K. FISHER AND A. LONG DITCHES FOR 40.0 ACRES

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SW SW	40.0
7 S	38 E	WM	25	NW NW	40.0
Total					80.0

4. Temporary Transfer Application T-13972 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SE SW	40.0
7 S	38 E	WM	25	NE NW	40.0
Total					80.0

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13972 proposes the additional point of diversion approximately 0.3 and 0.7 mile upstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	34	SW NE	FISHER LONG (UPPER) - 2500 FEET SOUTH AND 2100 FEET WEST FROM THE NE CORNER OF SECTION 34

6. The second right to be temporarily transferred is as follows:

Certificate: 76253 in the name of HELEN G. FISHER c/o RICHARD D. STEPHENS (confirmed by Powder River Decree)
Use: IRRIGATION of 80.0 ACRES
Priority Date: 1880
Limit/Duty: The use is limited to 1/40 CUBIC FOOT PER SECOND PER ACRE, if available at the authorized point of diversion, or its equivalent in case of rotation, measured at the point of diversion at the source.
Source: ROCK CREEK, a tributary of POWDER RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	7 E	WM	35	SE NW	MAXWELL DITCH (OLD DIVERSION)
7 S	38 E	WM	34	SE NE	FISHER DITCH (NEW ADDITIONAL DIVERSION) - 500 FEET NORTH AND 730 FEET WEST FROM THE E1/4 CORNER OF SECTION 34

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SE SW	40.0
7 S	38 E	WM	25	NE NW	40.0
				Total	80.0

7. Temporary Transfer Application T-13972 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	38 E	WM	24	SW SW	40.0
7 S	38 E	WM	25	NW NW	40.0
				Total	80.0

8. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13972 proposes the additional point of diversion approximately 0.3 and 0.7 mile upstream:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	34	SW NE	FISHER LONG (UPPER) - 2500 FEET SOUTH AND 2100 FEET WEST FROM THE NE CORNER OF SECTION 34

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
11. 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 rights, as required by ORS 540.523(7).
12. 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 additional points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-13972 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 and additional points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-13972 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2022, 2023, 2024, 2025 and 2026 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2026 irrigation season. The authorization to use the additional points 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 additional points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificates 95713 and 76253 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 places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 95713 and 76253.
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.

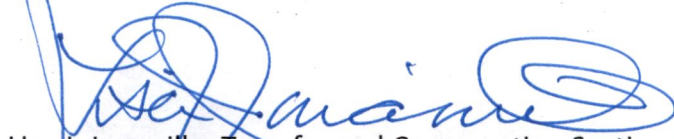
9. Water use measurement conditions:

- 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.
- 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 rights described by Certificate 95713 shall continue to be in accordance with the terms and conditions of Certificate 95713.

Dated in Salem, Oregon on

JUL 14 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

JUL 15 2022