

6. On August 15, 2018, the applicant submitted a revised application and map, and on August 27, 2018, the applicant submitted a revised Table 2.

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

Certificate: 39106 in the name of MARK FIDEL (perfected under Permit S-31385)
Use: IRRIGATION of 26.3 ACRES
Priority Date: FEBRUARY 28, 1966
Rate: 0.33 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-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: NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	6	NW SE	39	2930 FEET NORTH AND 2480 FEET WEST FROM THE NW CORNER OF MCSWEEN DLC 80

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	6	NE SW	39	15.7
3 S	4 W	WM	6	SE SW	39	3.9
3 S	4 W	WM	6	NW SE	39	3.8
3 S	4 W	WM	6	SW SE	39	2.9
Total						26.3

8. Temporary Transfer Application T-12940 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	8	SW NE	80	3.8
3 S	4 W	WM	8	NE NW	80	13.5
3 S	4 W	WM	8	NW NW	80	3.7
3 S	4 W	WM	8	SW NW	80	3.1
3 S	4 W	WM	8	SE NW	80	2.2
Total						26.3

9. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12940 proposes to move the authorized point of diversion approximately 2.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	8	NE NE	41	200 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 8

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

Certificate: 39108 in the name of FIDEL BROS. (perfected under Permit S-34035)
Use: IRRIGATION of 18.9 ACRES
Priority Date: DECEMBER 12, 1968
Rate: 0.24 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-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: NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	6	NW SE	39	2930 FEET NORTH AND 2480 FEET WEST FROM THE NW CORNER OF MCSWEEN DLC 80

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	6	SE SW	39	1.0
3 S	4 W	WM	6	NW SE	39	0.1
3 S	4 W	WM	6	SW SE	39	17.8
Total						18.9

11. Temporary Transfer Application T-12940 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	8	NW NE	80	0.1
3 S	4 W	WM	8	SW NE	80	1.0
3 S	4 W	WM	8	NW NW	80	1.8
3 S	4 W	WM	8	SE NW	80	16.0
Total						18.9

12. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12940 proposes to move the authorized point of diversion approximately 2.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	8	NE NE	41	200 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 8

Temporary Transfer Review Criteria

13. 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.
14. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
15. The proposed changes would not result in enlargement of the rights.
16. 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

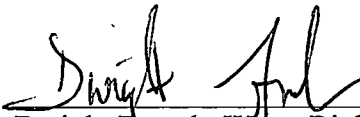
The temporary changes in place of use and point of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-12940 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes 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-12940 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2018, 2019, 2020, 2021, and 2022 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2022 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. A subsequent application for permanent transfer of Certificates 39106 and 39108 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 39106 and 39108.
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 use of the remaining water rights described by Certificates 39106 and 39108 shall continue to be in accordance with the terms and conditions of Certificates 39106 and 39108.

Dated at Salem, Oregon this SEP 19 2018.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: SEP 20 2018