

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
4	S	29	E	W.M.	28	SE NE	Water diverted and taken northerly across divide into Butter Creek

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	30	NW NE	8200	37.4
3	N	28	E	W.M.	30	SW NE	8200	9.1

3. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	18	SE SE	5902	2.9
3	N	28	E	W.M.	19	NE NE	5903	25.9
3	N	28	E	W.M.	19	SE NE	5803	17.7

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

Certificate: 60951 in the name of Thomas Richards and Sons

Use: Irrigation of 10.5 acres

Priority Date: May 17, 1917

Quantity: 0.13 cfs

Rate/Duty: 1/80 cfs per acre

Source: Butter Creek, tributary to the Umatilla River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	28	E	W.M.	19	NE SW	10 Feet South and 1800 Feet East from the W¼ Corner, Section 19

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	18	SE SW	6200	6.6
3	N	28	E	W.M.	19	SW NE	6200	3.9

5. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	19	SE NE	5903	3.9
3	N	28	E	W.M.	20	NW NW	5903	0.2
3	N	28	E	W.M.	19	NE NE	5903	1.0
3	N	28	E	W.M.	19	SE NE	5903	1.9
3	N	28	E	W.M.	20	SW NW	5903	3.5

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

Certificate: 60952 in the name of Caroline E. Rogers
Use: Irrigation of 49.1 acres
Priority Date: 1869 and 1880
Quantity: 0.48 cfs for 1869 and 0.34 cfs for 1880
Source: Butter Creek, tributary to the Umatilla River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	28	E	W.M.	19	NE SW	10 Feet South and 1800 Feet East from the W¼ Corner, Section 19

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	18	NE SE	6000	15.6
3	N	28	E	W.M.	18	SW SE	6200	12.5
3	N	28	E	W.M.	19	NW NE	6200	6.1
3	N	28	E	W.M.	19	SW NE	6200	2.8
3	N	28	E	W.M.	19	NE NW	6200	6.0
3	N	28	E	W.M.	19	SE NW	6200	6.1

7. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	17	NW SW	5901	12.2
3	N	28	E	W.M.	17	SW SW	5902	3.0
3	N	28	E	W.M.	18	SE SE	5902	18.3
3	N	28	E	W.M.	19	NE NE	5903	0.1
3	N	28	E	W.M.	19	SE NE	5903	10.2
3	N	28	E	W.M.	19	NE NW	6200	1.0
3	N	28	E	W.M.	20	SW NW	5903	4.3

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

Certificate: 35811 in the name of Fred Davis and Tresa Davis
Use: Irrigation of 8.0 acres and Supplemental Irrigation of 22.9 acres
Priority Date: November 21, 1956
Quantity: 0.1 cfs for Primary Irrigation and 0.29 cfs for Supplemental Irrigation
Rate/Duty: 1/80 cfs per acre, not to exceed 3 acre-feet per acre
Source: Two Wells, in the Butter Creek (Umatilla River) Basin
Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	28	E	W.M.	19	SW NE	Well 1-850 Feet North & 1370 Feet East from SW Corner, SENW, Section 19

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	28	E	W.M.	19	SE NW	Well 2-1240 Feet North & 100 Feet East from SW Corner, SENW, Section 19

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	19	NW NE	6200	4.0
3	N	28	E	W.M.	19	SW NE	6200	1.4
3	N	28	E	W.M.	19	NE NW	6200	2.6
3	N	28	E	W.M.	19	SW NE	6200	3.9 (S)
3	N	28	E	W.M.	19	NW NE	6200	4.1 (S)
3	N	28	E	W.M.	19	SW NE	6200	2.8 (S)
3	N	28	E	W.M.	19	NE NW	6200	6.0 (S)
3	N	28	E	W.M.	19	SE NW	6200	6.1 (S)

9. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	19	NE NW	6200	5.4
3	N	28	E	W.M.	19	NE NW	6200	2.6
3	N	28	E	W.M.	19	SE NE	5903	3.9 (S)
3	N	28	E	W.M.	17	SW SW	5902	0.5 (S)
3	N	28	E	W.M.	18	SE SE	5902	2.9 (S)
3	N	28	E	W.M.	19	NE NE	5903	0.1 (S)
3	N	28	E	W.M.	19	SE NE	5903	10.2 (S)
3	N	28	E	W.M.	19	NE NW	6200	1.0 (S)
3	N	28	E	W.M.	20	SW NW	5903	4.3 (S)

10. As is necessary to convey the water to the proposed temporary place of use, Application T-9644 also proposes to move the authorized point of appropriation to:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	28	E	W.M.	19	NE NW	Well 3 – 1670 Feet North and 2160 Feet East from W¼ Corner, Section 19

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

- Certificate:** 28737 in the name of Gaylord M. Madison
 - Use:** Irrigation of 21.7 acres* and Supplemental Irrigation of 8.2 acres
 - Priority Date:** September 30, 1957
 - Quantity:** 0.44 cfs for Primary Irrigation and 0.16 cfs for Supplemental Irrigation
 - Rate/Duty:** 1/50 cfs per acre, not to exceed four acre-feet per acre
 - Source:** North Spring, tributary to Butter Creek
- ***Note:** This portion of the water right is listed as supplemental irrigation. A note in the file indicates that it should be considered primary irrigation.

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	
3	N	28	E	W.M.	30	SW	NE

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	N	28	E	W.M.	30	NE	NE	8200	16.7
3	N	28	E	W.M.	30	SE	NE	8200	5.0
3	N	28	E	W.M.	30	NW	NE	8200	1.2 (S)
3	N	28	E	W.M.	30	SW	NE	8200	7.0 (S)

12. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	N	28	E	W.M.	19	NE	NE	5903	12.3
3	N	28	E	W.M.	20	NW	NW	5903	9.4
3	N	28	E	W.M.	19	SE	NE	5903	8.2 (S)

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

Certificate: 32597 in the name of Gaylord M. Madison
Use: Irrigation of 0.4 acre and Supplemental Irrigation of 19.3
Priority Date: July 13, 1959
Quantity: 0.008 cfs for Irrigation and 0.39 cfs for Supplemental Irrigation
Rate/Duty: 1/50 cfs per acre, not to exceed four acre-feet per acre
Source: An Unnamed Spring, tributary to Butter Creek
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location	
3	N	28	E	W.M.	30	SW	NE	1370 Feet South and 1800 Feet West from NE Corner, Section 30	

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	N	28	E	W.M.	30	SE	NE	8200	0.4
3	N	28	E	W.M.	30	NW	NE	8200	19.3 (S)

14. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	N	28	E	W.M.	19	NE	NE	5903	0.4
3	N	28	E	W.M.	18	SE	SE	5902	2.5 (S)
3	N	28	E	W.M.	19	NE	NE	5903	16.8 (S)

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

Certificate: 64236 in the name of Madison Ranches, Inc.

Use: Supplemental Irrigation of 68.6 acres
Priority Date: May 26, 1977
Quantity: 0.3 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Source: A Pit Well in the Butter Creek Basin
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Location
3	N	28	E	W.M.	30	NW	NE	970 Feet South and 1950 Feet West from NE Corner, Section 30

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	N	28	E	W.M.	30	NW	NE	8200	37.4
3	N	28	E	W.M.	30	SW	NE	8200	9.1
3	N	28	E	W.M.	30	NE	NE	8200	16.7
3	N	28	E	W.M.	30	SE	NE	8200	5.0
3	N	28	E	W.M.	30	SE	NE	8200	0.4

16. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	N	28	E	W.M.	18	SE	SE	5902	2.9
3	N	28	E	W.M.	19	NE	NE	5903	25.9
3	N	28	E	W.M.	19	SE	NE	5903	17.7
3	N	28	E	W.M.	19	NE	NE	5903	12.3
3	N	28	E	W.M.	20	NW	NW	5903	9.4
3	N	28	E	W.M.	190	NE	NE	5903	0.4

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

Certificate: 64238 in the name of Madison Ranches, Inc.
Use: Supplemental Irrigation of 68.6 acres
Priority Date: June 14, 1977
Quantity: 0.18 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Source: A Pit Well in the Butter Creek Basin
Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
3	N	28	E	W.M.	30	NW	NE	970 Feet South and 1950 Feet West from NE Corner, Section 30

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	Acres
3	N	28	E	W.M.	30	NW	NE	8200	37.4

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	30	SW NE	8200	9.1
3	N	28	E	W.M.	30	NE NE	8200	16.7
3	N	28	E	W.M.	30	SE NE	8200	5.0
3	N	28	E	W.M.	30	SE NE	8200	0.4

18. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	18	SE SE	5902	2.9
3	N	28	E	W.M.	19	NE NE	5903	25.9
3	N	28	E	W.M.	19	SE NE	5903	17.7
3	N	28	E	W.M.	19	NE NE	5903	12.3
3	N	28	E	W.M.	20	NW NW	5903	9.4
3	N	28	E	W.M.	19	NE NE	5903	0.4

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

Permit: S-51017 in the name of Kent R. and Shannon K. Madison

Use: Supplemental Irrigation of 135.8 acres

Priority Date: April 2, 1990

Quantity: 0.47 cfs

Rate/Duty: 1/40 cfs per acre, not to exceed 4.5 acre-feet per acre

Source: Columbia River, tributary to the Pacific Ocean

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Lot	Location
4	N	25	E	W.M.	2	NE NW	7	150 Feet South and 2990 Feet West from NE Corner, Section 2

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	30	NW NE	8200	37.4
3	N	28	E	W.M.	30	SW NE	8200	9.1
3	N	28	E	W.M.	18	SE SW	6200	6.6
3	N	28	E	W.M.	19	SW NE	6200	3.9
3	N	28	E	W.M.	18	NE SE	6000	15.6
3	N	28	E	W.M.	18	SW SE	6200	12.5
3	N	28	E	W.M.	19	NW NE	6200	6.1
3	N	28	E	W.M.	19	SW NE	6200	2.8
3	N	28	E	W.M.	19	NE NW	6200	6.0
3	N	28	E	W.M.	19	SE NW	6200	6.1
3	N	28	E	W.M.	19	NW NE	6200	4.0
3	N	28	E	W.M.	19	SW NE	6200	1.4

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	19	NE NW	6200	2.6
3	N	28	E	W.M.	30	NE NE	8200	16.7
3	N	28	E	W.M.	30	SE NE	8200	5.0
								135.8

20. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	18	SE SE	5902	2.9
3	N	28	E	W.M.	19	NE NE	8200	25.9
3	N	28	E	W.M.	19	SE NE	8200	17.7
3	N	28	E	W.M.	19	SE NE	5903	3.9
3	N	28	E	W.M.	20	NW NW	5903	0.2
3	N	28	E	W.M.	19	NE NE	5903	1.0
3	N	28	E	W.M.	19	SE NE	5903	1.9
3	N	28	E	W.M.	20	SW NW	5903	3.5
3	N	28	E	W.M.	17	NW SW	5901	12.2
3	N	28	E	W.M.	17	SW SW	5902	3.0
3	N	28	E	W.M.	18	SE SE	5902	18.3
3	N	28	E	W.M.	19	NE NE	5903	0.1
3	N	28	E	W.M.	19	SE NE	5903	10.2
3	N	28	E	W.M.	19	NE NW	6200	1.0
3	N	28	E	W.M.	20	SW NW	5903	4.3
3	N	28	E	W.M.	19	SE NE	5903	5.4
3	N	28	E	W.M.	19	NE NW	6200	2.6
3	N	28	E	W.M.	19	NE NE	5903	12.3
3	N	28	E	W.M.	20	NW NW	5902	9.4
								135.8

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

Certificate: 35783 in the name of Fred E. Davis
Use: Supplemental Irrigation of 30.9 acres
Priority Date: February 24, 1964
Quantity: 0.22 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Source: Butter Creek, tributary to the Umatilla River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
3	N	28	E	W.M.	19	NE NW	1670 Feet North and 2160 Feet East from W¼ Corner, Section 19

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	19	SW NE	6200	3.9
3	N	28	E	W.M.	19	NW NE	6200	4.1
3	N	28	E	W.M.	19	SW NE	6200	2.8
3	N	28	E	W.M.	19	NE NW	6200	6.0
3	N	28	E	W.M.	19	SE NW	6200	6.1
3	N	28	E	W.M.	19	NW NE	6200	4.0
3	N	28	E	W.M.	19	SW NE	6200	1.4
3	N	28	E	W.M.	19	NE NW	6200	2.6

22. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	19	SE NE	5903	3.9
3	N	28	E	W.M.	17	SW SW	5902	0.5
3	N	28	E	W.M.	18	SE SE	5902	2.9
3	N	28	E	W.M.	19	NE NE	5903	0.1
3	N	28	E	W.M.	19	SE NE	5903	10.2
3	N	28	E	W.M.	19	NE NW	6200	1.0
3	N	28	E	W.M.	20	SW NW	5903	4.3
3	N	28	E	W.M.	19	SE NE	5903	5.4
3	N	28	E	W.M.	19	NE NW	6200	2.6

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

Permit: S-46499 in the name of John Madison
Use: Supplemental Irrigation of 49.1 acres
Priority Date: October 16, 1978
Rate/Duty: 1/50 cfs per acre, not to exceed 1.0 acre-feet per acre for each acre irrigated during the period from September 2 to December 30
Source: Butter Creek, tributary to the Umatilla River
Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼	Location
2	N	27	E	W.M.	2	NE NE	1290 Feet South and 80 Feet West from NW Corner, Section 1

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	18	NE SE	6200	15.6
3	N	28	E	W.M.	18	SW SE	6200	12.5
3	N	28	E	W.M.	19	NW NE	6200	6.1
3	N	28	E	W.M.	19	SW NE	6200	2.8

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	19	NE NW	6200	6.0
3	N	28	E	W.M.	19	SE NW	6200	6.1

24. Application T-9644 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
3	N	28	E	W.M.	17	NW SW	5901	12.2
3	N	28	E	W.M.	17	SW SW	5902	3.0
3	N	28	E	W.M.	18	SE SE	5902	18.3
3	N	28	E	W.M.	19	NE NE	5903	0.1
3	N	28	E	W.M.	19	SE NE	5903	10.2
3	N	28	E	W.M.	19	NE NW	6200	1.0
3	N	28	E	W.M.	20	SW NW	5903	4.3

25. 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.
26. 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.
27. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
28. The proposed change would not result in enlargement of the right.
29. 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

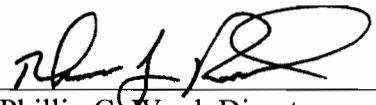
The temporary changes in place of use and point of appropriation proposed in application T-9644 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use and point of appropriation proposed in application T-9644 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2005, 2006, 2007, 2008 and 2009 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2009 irrigation season.

4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation. In the event that water sources are regulated off, if the water delivery system is not capable of shutting off water to areas that have an alternate source available, the new water use shall not occur. In no circumstance will water be allowed on ground that does not have a source available to it.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. Subsequent applications for permanent transfer of Certificates 25901, 60951, 60952, 35811, 28737, 32597, 64236, 64238, 35783, and Permits S-46499 and S-51017 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 place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 25901, 60951, 60952, 35811, 28737, 32597, 64236, 64238, 35783, and Permits S-46499 and S-51017.
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 points 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 Certificates 25901, 60951, 60952, 35811, 28737, 32597, 64236, 64238, 35783, and Permits S-46499 and S-51017 shall continue to be in accordance with the terms and conditions of Certificates 25901, 60951, 60952, 35811, 28737, 32597, 64236, 64238, 35783, and Permits S-46499 and S-51017.

Dated at Salem, Oregon this 9th day of May, 2005.


Phillip C. Ward, Director

Mailing date: MAY 20 2005