

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-13160, Marion County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND POINT OF DIVERSION

**Authority**

Oregon Revised Statute (ORS) 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 authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

MOU ABBAS ACRES LLC  
14407 WHISKEY HILL RD  
HUBBARD, OR 97032

**Findings of Fact**

1. On April 3, 2019, MOU ABBAS ACRES LLC filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificate 27061 for a period of 5 years. The Department assigned the application number T-13160.

2. Notice of the application for transfer was published on April 9, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

**Certificate:** 27061 in the name of MANTON A. CARL (perfected under Permit S-22913)

**Use:** IRRIGATION of 35.2 ACRES

**Priority Date:** MARCH 22, 1954

**Rate:** 0.44 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-

This is a final order in other than a 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 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.

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:** PUDDING RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
5 S	1 W	WM	2	SW SW

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	1 W	WM	3	NE SE	2	6.9
5 S	1 W	WM	3	SW SE	4	19.7
5 S	1 W	WM	10	NW NE		8.6
Total						35.2

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 27061 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 W	WM	2	SW SW	1072 FEET SOUTH AND 1567 FEET EAST FROM THE SE CORNER OF J PURVINE DLC 60

5. Temporary Transfer Application T-13160 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	25	NW NW	60	6.8
4 S	1 W	WM	26	NE NE	60	28.4
Total						35.2

6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13160 proposes to move the authorized point of diversion approximately 8.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	24	SE SW	60	175 FEET SOUTH AND 2244 FEET EAST FROM THE SW CORNER OF W. HARRIS DLC

**Temporary Transfer Review Criteria**

7. Water has been used within the last five years according to the terms and conditions of the right. The water authorized for use under Certificate 27061 has been leased instream under IL-947 for the last 5 years. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.



9. The proposed changes would not result in enlargement of the right.
10. 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**

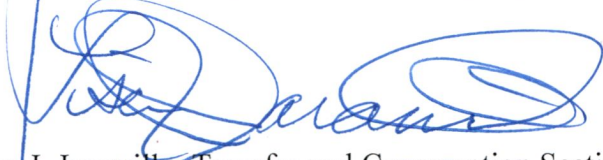
The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13160 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### **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-13160 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2019, 2020, 2021, 2022 and 2023 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2023 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 Certificate 27061 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 27061.
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 right described by Certificate 27061 shall continue to be in accordance with the terms and conditions of Certificate 27061.

Dated at Salem, Oregon this JUN 25 2019,



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

Mailing Date: JUN 26 2019