

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13508, Morrow County) A DISTRICT TEMPORARY TRANSFER
)

Authority

Oregon Revised Statute (ORS) 540.570 establishes the process in which a district may submit a request to temporarily transfer a water right within district boundaries. Oregon Administrative Rule (OAR) Chapter 690, Division 385 implements the statutes and provides the Department’s procedures and criteria for evaluating district transfer applications.

Applicant

WILLOW CREEK DISTRICT IMPROVEMENT COMPANY
C/O BRIAN THOMPSON
55805 HWY 74
HEPPNER, OR 97836

Findings of Fact

1. On August 5, 2020, Willow Creek District Improvement Company filed a district transfer application to temporarily change the places of use within the boundaries of the irrigation district under Certificates 30021, 82489, 82491, 82490, Surface Water Permit S-54980 and Groundwater Permit G-15586. The Department assigned the application number T-13508.
2. As result of Transfer T-12605, on May 14, 2020, remaining right Certificate 94969 was issued and together with confirming right Certificate 94970, superseded 82491 for primary irrigation. The portions of authorized place of use pertaining to this transfer are now authorized under Certificate 94970.
3. As result of Transfer T-12605, on May 14, 2020, remaining right Certificate 94968 was issued and together with confirming right Certificate 94967, superseded 82490 for supplemental irrigation. The portions of authorized place of use pertaining to this transfer are now authorized under Certificate 94968.
4. Notice of the application for transfer was published on September 1, 2020, pursuant to ORS 540.570 and OAR 690-385-3400. No comments were filed in response to the notice.

This is an 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.

5. On October 7, 2020, the applicant submitted revised tables and maps to clarify one authorized and two proposed place of use descriptions.
6. On January 15, 2021, the applicant submitted an amended table for Certificate 94967 to correct the authorized number to acres so as to not exceed authorized acres on the certificate, and on January 19, 2021, amended the proposed place of use map to reduce the number of proposed acres under Certificate 94967.

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

Certificate: 30021 issued in the name NEWT O'HARRA (perfected under Permit S-20861)

Use: IRRIGATION of 33.9 acres

Priority Dates: NOVEMBER 9, 1951

Rate: 0.57 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-SIXTIETH 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WILLOW CREEK, A TRIBUTARY OF THE COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
1 S	25 E	WM	35	NE SE

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
1 S	25 E	WM	35	SW NE	2.8	4500
1 S	25 E	WM	35	NW NW	1.4	4500
1 S	25 E	WM	35	SW NW	5.1	4500
1 S	25 E	WM	35	SE NW	11.6	4500
1 S	25 E	WM	35	NE SE	3.2	4500
1 S	25 E	WM	35	NW SE	9.8	4500
Total					33.9	

8. Transfer Application T-13508 proposes to change the point of diversion under Certificate 30021, as described below, to serve the entire proposed place of use.

Proposed Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	27	NW NW	HEPPNER-LEXINGTON PIPELINE: 1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

9. Transfer Application T-13508 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
2 S	25 E	WM	3	NW NE	2	28.6	700
2 S	25 E	WM	3	SW NE		5.3	700
Total						33.9	

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

Certificate: 82489 issued in the name JANE PENLAND (confirmed by decree of the Circuit Court of the State of Oregon for Morrow County)

Use: IRRIGATION of 9.5 acres

Priority Date: 1875

Rate: 0.27 CUBIC FOOT PER SECOND

Source: WILLOW CREEK, A TRIBUTARY OF THE COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
1 S	25 E	WM	34	N½ SE

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
1 S	25 E	WM	34	NE NE	8.5	4500
1 S	25 E	WM	34	NW NE	1.0	4500
Total						9.5

11. Transfer Application T-13508 proposes to change the point of diversion under Certificate 82489, as described below, to serve the entire proposed place of use.

Proposed Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	27	NW NW	HEPPNER-LEXINGTON PIPELINE: 1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

12. Transfer Application T-13508 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
2 S	25 E	WM	3	SW NE	9.5	700

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

Certificate: 94969 issued in the name of ELMER E. PADBERG (perfected under Permit G-6828)

Use: IRRIGATION of 441.7 acres

Priority Date: OCTOBER 1, 1973

Rate: 2.6 CUBIC FEET 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: PADBERG WELL WITHIN THE WILLOW CREEK BASIN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	35	NW SE	WELL #1: 1810 FEET NORTH AND 1680 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	NW NE		16.2	4500
1 S	25 E	WM	34	SW NE		39.3	4500
1 S	25 E	WM	34	SE NE		31.3	4500
1 S	25 E	WM	34	NE SE		17.6	4500
1 S	25 E	WM	34	NW SE		14.5	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NE		0.4	4500
1 S	25 E	WM	35	NW NW		0.6	4500
1 S	25 E	WM	35	SW NW		19.2	4500
1 S	25 E	WM	35	SE NW		6.3	4500
1 S	25 E	WM	35	NE SW		37.3	4500
1 S	25 E	WM	35	NW SW		30.4	4500
1 S	25 E	WM	35	SW SW		24.8	4500
1 S	25 E	WM	35	SE SW		13.5	4500
1 S	25 E	WM	35	NE SE		4.9	4500
1 S	25 E	WM	35	NW SE		20.5	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		26.8	4500
2 S	25 E	WM	2	NE NE	1	12.8	500
2 S	25 E	WM	2	NW NE	2	28.7	500
2 S	25 E	WM	2	SW NE		33.9	500
2 S	25 E	WM	2	SE NE		8.3	500
2 S	25 E	WM	2	NE NW	3	5.3	500
Total						441.7	

14. Transfer Application T-13508 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	SE NE		20.2	4500
1 S	25 E	WM	34	NE SE		7.1	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NW		12.8	4500

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	35	SE NW		6.3	4500
1 S	25 E	WM	35	NE SW		37.6	4500
1 S	25 E	WM	35	NW SW		23.3	4500
1 S	25 E	WM	35	SW SW		24.8	4500
1 S	25 E	WM	35	SE SW		9.3	4500
1 S	25 E	WM	35	NE SE		1.2	4500
1 S	25 E	WM	35	NW SE		12.0	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		23.5	4500
2 S	25 E	WM	2	NE NE	1	8.3	500
2 S	25 E	WM	2	NW NE	2	27.0	500
2 S	25 E	WM	2	SW NE		31.5	500
2 S	25 E	WM	2	SE NE		6.3	500
2 S	25 E	WM	2	NE NW	3	1.3	500
2 S	25 E	WM	2	NW NW	4	30.0	500
2 S	25 E	WM	2	SW NW		32.7	500
2 S	25 E	WM	3	NE NE	1	30.1	700
2 S	25 E	WM	3	SW NE		16.0	700
2 S	25 E	WM	3	SE NE		31.3	700
Total						441.7	

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

Certificate: 94967 issued in the name of ELMER E. PADBERG (perfected under Permit S-48116)

Use: SUPPLEMENTAL IRRIGATION of 440.1 acres

Priority Date: AUGUST 3, 1983

Rate: 3.3 CUBIC FEET 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, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, provided further that although declared herein to be for supplemental irrigation in part the right allowed may, in the interest of conserving the groundwater supplies, be exercised at times when water is available in the groundwater supply provided that the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: WILLOW CREEK, a tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	35	NE SE	1550 FEET NORTH AND 640 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	NW NE		16.2	4500
1 S	25 E	WM	34	SW NE		39.3	4500
1 S	25 E	WM	34	SE NE		31.3	4500
1 S	25 E	WM	34	NE SE		17.6	4500
1 S	25 E	WM	34	NW SE		14.5	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NE		0.4	4500
1 S	25 E	WM	35	SW NW		19.0	4500
1 S	25 E	WM	35	SE NW		6.3	4500
1 S	25 E	WM	35	NE SW		37.3	4500
1 S	25 E	WM	35	NW SW		30.4	4500
1 S	25 E	WM	35	SW SW		24.8	4500
1 S	25 E	WM	35	SE SW		13.5	4500
1 S	25 E	WM	35	NE SE		4.1	4500
1 S	25 E	WM	35	NW SE		20.5	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		26.8	4500
2 S	25 E	WM	2	NE NE	1	12.8	500
2 S	25 E	WM	2	NW NE	2	28.7	500
2 S	25 E	WM	2	SW NE		33.9	500
2 S	25 E	WM	2	SE NE		8.3	500
2 S	25 E	WM	2	NE NW	3	5.3	500
Total						440.1	

16. Transfer Application T-13508 proposes to change the point of diversion under Certificate 94967, as described below, to serve the entire proposed place of use.

Proposed Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	27	NW NW	HEPPNER-LEXINGTON PIPELINE: 1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

17. Transfer Application T-13508 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	SE NE		20.2	4500
1 S	25 E	WM	34	NE SE		7.1	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NW		12.8	4500
1 S	25 E	WM	35	SE NW		5.4	4500
1 S	25 E	WM	35	NE SW		37.6	4500
1 S	25 E	WM	35	NW SW		23.3	4500
1 S	25 E	WM	35	SW SW		24.8	4500
1 S	25 E	WM	35	SE SW		9.3	4500
1 S	25 E	WM	35	NE SE		1.2	4500

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	35	NW SE		12.0	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		23.5	4500
2 S	25 E	WM	2	NE NE	1	8.3	500
2 S	25 E	WM	2	NW NE	2	27.0	500
2 S	25 E	WM	2	SW NE		31.5	500
2 S	25 E	WM	2	SE NE		6.3	500
2 S	25 E	WM	2	NE NW	3	1.3	500
2 S	25 E	WM	2	NW NW	4	30.0	500
2 S	25 E	WM	2	SW NW		32.7	500
2 S	25 E	WM	3	NE NE	1	30.1	700
2 S	25 E	WM	3	SW NE	14	15.3	700
2 S	25 E	WM	3	SE NE	33.5	31.3	700
Total						440.1	

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

Water Use Permit: S-54980 issued in the name of WILLOW CREEK DISTRICT IMPROVEMENT COMPANY

Use: SUPPLEMENTAL IRRIGATION of 485.1 acres

Priority Date: JANUARY 6, 2009

Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WILLOW CREEK RESERVOIR (Permit R-10880), tributary to WILLOW CREEK

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25	E	35	NE SE	TD1: 1540 FEET NORTH AND 2100 FEET EAST FROM THE S¼ CORNER OF SECTION 35
2 S	26	E	27	NW NW	POD 1: 1120 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF SECTION 27

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	NE NE		8.5	4500
1 S	25 E	WM	34	NW NE		17.2	4500
1 S	25 E	WM	34	SW NE		39.3	4500
1 S	25 E	WM	34	SE NE		31.3	4500
1 S	25 E	WM	34	NE SE		17.6	4500
1 S	25 E	WM	34	NW SE		14.5	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NE		3.2	4500
1 S	25 E	WM	35	NW NW		2.0	4500
1 S	25 E	WM	35	SW NW		24.3	4500
1 S	25 E	WM	35	SE NW		17.9	4500
1 S	25 E	WM	35	NE SW		37.3	4500
1 S	25 E	WM	35	NW SW		30.4	4500

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	35	SW SW		24.8	4500
1 S	25 E	WM	35	SE SW		13.5	4500
1 S	25 E	WM	35	NE SE		8.1	4500
1 S	25 E	WM	35	NW SE		30.3	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		26.8	4500
2 S	25 E	WM	2	NE NE	1	12.8	500
2 S	25 E	WM	2	NW NE	2	28.7	500
2 S	25 E	WM	2	SW NE		33.9	500
2 S	25 E	WM	2	SE NE		8.3	500
2 S	25 E	WM	2	NE NW	3	5.3	500
Total						485.1	

19. Transfer Application T-13508 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	SE NE		20.2	4500
1 S	25 E	WM	34	NE SE		7.1	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NW		12.8	4500
1 S	25 E	WM	35	SE NW		6.3	4500
1 S	25 E	WM	35	NE SW		37.6	4500
1 S	25 E	WM	35	NW SW		23.3	4500
1 S	25 E	WM	35	SW SW		24.8	4500
1 S	25 E	WM	35	SE SW		9.3	4500
1 S	25 E	WM	35	NE SE		1.2	4500
1 S	25 E	WM	35	NW SE		12.0	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		23.5	4500
2 S	25 E	WM	2	NE NE	1	8.3	500
2 S	25 E	WM	2	NW NE	2	27.0	500
2 S	25 E	WM	2	SW NE		31.5	500
2 S	25 E	WM	2	SE NE		6.3	500
2 S	25 E	WM	2	NE NW	3	1.3	500
2 S	25 E	WM	2	NW NW	4	30.0	500
2 S	25 E	WM	2	SW NW		32.7	500
2 S	25 E	WM	3	NE NE	1	30.1	700
2 S	25 E	WM	3	NW NE	2	28.6	700
2 S	25 E	WM	3	SW NE		30.8	700
2 S	25 E	WM	3	SE NE		31.3	700
Total						485.1	

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

Water Use Permit: G-15586 issued in the name of LEE PADBERG

Use: SUPPLEMENTAL IRRIGATION for 485.1 acres to make up a deficiency in rate.

Limit/ Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited

to a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELL 1 IN THE WILLOW CREEK BASIN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	25 E	WM	35	NW SE	WELL #1: 1810 FEET NORTH AND 1680 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	NE NE		8.5	4500
1 S	25 E	WM	34	NW NE		17.2	4500
1 S	25 E	WM	34	SW NE		39.3	4500
1 S	25 E	WM	34	SE NE		31.3	4500
1 S	25 E	WM	34	NE SE		17.6	4500
1 S	25 E	WM	34	NW SE		14.5	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NE		3.2	4500
1 S	25 E	WM	35	NW NW		2.0	4500
1 S	25 E	WM	35	SW NW		24.3	4500
1 S	25 E	WM	35	SE NW		17.9	4500
1 S	25 E	WM	35	NE SW		37.3	4500
1 S	25 E	WM	35	NW SW		30.4	4500
1 S	25 E	WM	35	SW SW		24.8	4500
1 S	25 E	WM	35	SE SW		13.5	4500
1 S	25 E	WM	35	NE SE		8.1	4500
1 S	25 E	WM	35	NW SE		30.3	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		26.8	4500
2 S	25 E	WM	2	NE NE	1	12.8	500
2 S	25 E	WM	2	NW NE	2	28.7	500
2 S	25 E	WM	2	SW NE		33.9	500
2 S	25 E	WM	2	SE NE		8.3	500
2 S	25 E	WM	2	NE NW	3	5.3	500
Total						485.1	

21. Transfer Application T-13508 proposes to temporarily change the place of use of the right to:

Proposed Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	34	SE NE		20.2	4500
1 S	25 E	WM	34	NE SE		7.1	4500
1 S	25 E	WM	34	SE SE		9.1	4500
1 S	25 E	WM	35	SW NW		12.8	4500
1 S	25 E	WM	35	SE NW		6.3	4500
1 S	25 E	WM	35	NE SW		37.6	4500
1 S	25 E	WM	35	NW SW		23.3	4500
1 S	25 E	WM	35	SW SW		24.8	4500

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Tax Lot
1 S	25 E	WM	35	SE SW		9.3	4500
1 S	25 E	WM	35	NE SE		1.2	4500
1 S	25 E	WM	35	NW SE		12.0	4500
1 S	25 E	WM	35	SW SE		40.0	4500
1 S	25 E	WM	35	SE SE		23.5	4500
2 S	25 E	WM	2	NE NE	1	8.3	500
2 S	25 E	WM	2	NW NE	2	27.0	500
2 S	25 E	WM	2	SW NE		31.5	500
2 S	25 E	WM	2	SE NE		6.3	500
2 S	25 E	WM	2	NE NW	3	1.3	500
2 S	25 E	WM	2	NW NW	4	30.0	500
2 S	25 E	WM	2	SW NW		32.7	500
2 S	25 E	WM	3	NE NE	1	30.1	700
2 S	25 E	WM	3	NW NE	2	28.6	700
2 S	25 E	WM	3	SW NE		30.8	700
2 S	25 E	WM	3	SE NE		31.3	700
Total						485.1	

22. The district temporary transfer application satisfies the criteria of ORS 540.570 and OAR 690-385-3000, contains the information required under OAR 690-385-3200, and includes a map meeting the requirements of OAR 690-385-3300.
23. 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.
24. The water rights are subject to transfer as defined in OAR 690-385-0100(17).
25. Diversion structures, district canals, pumps, pump stations, ditches, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
26. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.
27. The proposed change in places of use, as conditioned, will not result in enlargement of the rights as defined in OAR 690-385-0100(6).
28. The proposed change in places of use would not result in injury to other water rights as defined in OAR 690-385-0100(4).
29. All other applicable requirements for district temporary water right transfers are met.

Conclusions of Law

The temporary change in places of use proposed in Temporary Transfer Application T-13508 is consistent with the requirements of ORS 540.570 and OAR 690-385-3500.

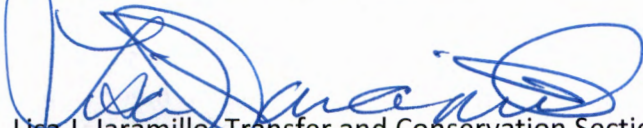
Now, therefore, it is ORDERED:

1. The water user shall operate and maintain an approved fish screen at the new point of diversion. If the Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
2. The temporary changes in places of use proposed in Transfer Application T-13508, as conditioned above, are approved.
3. The former places of use **shall not** be irrigated as part of these water rights during the 2020 irrigation season.
4. The use shall revert to the authorized places of use after the 2020 irrigation season.
5. Any application for permanent transfer of Certificates 30021, 82489, 94969, and 94967, shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Divisions 380 or 385. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture of Certificates 30021, 82489, 94969, and 94967, under ORS 540.610.
7. The use of water on lands from which the right is transferred and in the new temporary location during the same irrigation season or calendar year is prohibited and may subject the district and the landowner to civil penalties.
8. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.
9. The use of water under this temporary transfer may be conditioned or revoked at any time to the extent necessary to avoid injury if the Department finds the transfer causes injury to any existing water right.
10. 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 30021, 82489, 94969, and 94967, and Permits G-15586 and S-54980.

11. The use of the remaining water rights described by Certificates 30021, 82489, 94969, and 94967, and Permits G-15586 and S-54980, not involved in this transfer shall continue to be in accordance with the terms and conditions of Certificates 30021, 82489, 94969, and 94967, and Permits G-15586 and S-54980.

MAR 02 2021

Dated in Salem, Oregon on _____



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

Mailing Date: **MAR 03 2021**