

5. On May 15, 2012, the applicant submitted a statement of consent from Madison Farms, and on May 18th a letter of consent from Boardman Tree Farm.
6. The portion of the first right to be temporarily transferred is as follows:

Certificate: 79482 in the name of POTLATCH CORP. (perfected under Permit S-36940)
Use: IRRIGATION of 256.4 ACRES
Priority Date: JUNE 29, 1973
Rate: 6.34 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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POTLATCH PATERSON FARM POD: SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	29	SW SW	1.70
4 N	26 E	WM	31	NE NE	19.10
4 N	26 E	WM	31	SE NE	16.00
4 N	26 E	WM	31	NE SE	20.20
4 N	26 E	WM	31	SE SE	17.50
4 N	26 E	WM	32	NE NW	8.50
4 N	26 E	WM	32	NW NW	39.11
4 N	26 E	WM	32	SW NW	36.50
4 N	26 E	WM	32	SE NW	6.53
4 N	26 E	WM	32	NE SW	8.30
4 N	26 E	WM	32	NW SW	39.35
4 N	26 E	WM	32	SW SW	37.21
4 N	26 E	WM	32	SE SW	6.40
TOTAL					256.4

7. Temporary Transfer Application T-11379 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	5	NE NE	32.1
2 N	28 E	WM	5	NW NE	32.1
2 N	28 E	WM	5	SW NE	32.1

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	28 E	WM	5	SE NE	32.1
2 N	28 E	WM	5	NE NW	32.0
2 N	28 E	WM	5	NW NW	32.0
2 N	28 E	WM	5	SW NW	32.0
2 N	28 E	WM	5	SE NW	32.0
TOTAL					256.4

8. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11379 proposes to move the authorized point of diversion a few feet to the west (downstream) side of the shared diversion platform:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	COLUMBIA IMPROVEMENT DISTRICT POD: 150 FEET SOUTH AND 2990 FEET WEST FROM THE NE CORNER OF SECTION 2

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

Certificate: 87111 in the name of HALE FARMS LLC (perfected under Permit S-37121)

Use: IRRIGATION of 256.4 ACRES

Priority Date: OCTOBER 3, 1973 plus one minute and DECEMBER 11, 1973 plus one minute

Rate: 2.77 CUBIC FEET PER SECOND (CFS), being 2.18 cfs priority October 3, 1973 plus one minute and 0.59 cfs priority December 11, 1973 plus one minute

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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, (not to exceed a pro-rated total duty of 606.7 AF priority October 3, 1973 plus one minute and 162.5 AF priority December 11, 1973 plus one minute).

Period of Use: March 1 through October 31

Source: COLUMBIA RIVER a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	HUTTERITE POD: 2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	7	NE SE	29.0
3 N	30 E	WM	7	NW SE	28.5
3 N	30 E	WM	7	SW SE	28.9
3 N	30 E	WM	7	SE SE	31.3
3 N	30 E	WM	8	SE NW	20.5
3 N	30 E	WM	8	NE SW	31.0
3 N	30 E	WM	8	NW SW	28.1
3 N	30 E	WM	8	SW SW	27.5
3 N	30 E	WM	8	SE SW	31.6
TOTAL					256.4

10. Temporary Transfer Application T-11379 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	29	SW SW	1.70
4 N	26 E	WM	31	NE NE	19.10
4 N	26 E	WM	31	SE NE	16.00
4 N	26 E	WM	31	NE SE	20.20
4 N	26 E	WM	31	SE SE	17.50
4 N	26 E	WM	32	NE NW	8.50
4 N	26 E	WM	32	NW NW	39.11
4 N	26 E	WM	32	SW NW	36.50
4 N	26 E	WM	32	SE NW	6.53
4 N	26 E	WM	32	NE SW	8.30
4 N	26 E	WM	32	NW SW	39.35
4 N	26 E	WM	32	SW SW	37.21
4 N	26 E	WM	32	SE SW	6.40
TOTAL					256.4

11. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11379 proposes to move the authorized point of diversion approximately 29.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	25 E	WM	2	NE NW	7	POTLATCH PATERSON FARM POD: SOUTH 86 DEGREES 22 MINUTES 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

12. Notice of the application for transfer was published on April 3, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
13. Temporary Transfer Application T-11379 proposes to temporarily transfer a portion of water right Certificate 79482 from the Potlatch Paterson Farm to the Butter Creek Farm, and an equivalent portion of the acres under Certificate 87111 is proposed to be transferred from the Echo Farm to the Potlatch Paterson Farm. This transfer will transport the water through lands and delivery systems of the Potlatch Corporation (Boardman Tree Farm), Hale Farms,

5. A subsequent application for permanent transfer of Certificates 79482 and 87111 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 79482 and 87111, with the exception that the duty transferred under Certificate 79482 is limited to 4.0 acre-feet per acre at the temporary location.
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 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 the remaining portions of the water rights described by Certificates 79482 and 87111 shall continue to be in accordance with the terms and conditions of Certificates 79482 and 87111.

Dated at Salem, Oregon this 18 day of May, 2012.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: **MAY 24 2012** _____

Columbia Improvement District, Madison Farms, Butter Creek Irrigation District and Echo Irrigation District. All parties were notified of the proposed temporary transfer and have indicated that they do not object to the transfer.

14. Land in Sections 7 and 8, T3N, R30E, from which Certificate 87111 is proposed to be transferred, are also covered by Permit S-54561 for irrigation. However, this permit will not be exercised on those lands during the term of the temporary transfer.
15. Water right Permits S-54675 and S-51017 cover lands in Section 5, T2N, R28 E, that Certificate 79482 is proposed to be transferred to. These permits will not be exercised on the affected lands during the term of the temporary transfer.

Temporary Transfer Review Criteria

16. 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.
17. Diversion structures and pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
18. The proposed changes would not result in enlargement of the rights, as conditioned to limit the duty being transferred under Certificate 79482 to 4.0 acre-feet per acre.
19. 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 proposed in application Temporary Transfer Application T-11379 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 points of diversion proposed in Temporary Transfer Application T-11379 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2012 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2012 irrigation season. The authorization to use the temporary 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.