

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10667, Crook County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE

**Authority**

ORS 537.705 and 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

CHUCK HEGELE  
7950 LONE PINE RD.  
TERREBONNE, OR 97760

**Receiving Landowner**

EUGENE NANCE  
20890 NW BUTLER  
TERREBONNE, OR 97760

**Findings of Fact**

1. On July 7, 2008, Chuck Hegele filed an application to temporarily change the place of use under Certificate 72197 for a period of five years. The Department assigned the application number T-10667.
2. The receiving landowner, Eugene Nance, will be responsible for completing the proposed change.
3. The portion of the right to be transferred is as follows:

**Certificate:** 72197 in the name of CROOK COUNTY IMPROVEMENT DISTRICT #1  
(confirmed by Deschutes River Decree)

**Use:** IRRIGATION of 1.0 ACRE

**Priority Date:** OCTOBER 31, 1900

<b>Limit/Duty/Season:</b> April 1 – May 1 & Oct 1 – Nov 1	1 cfs to 137.0 acres
May 1 – May 15 & Sept 15 – Oct 1	1 cfs to 109.0 acres
May 15 – Sept 15	1 cfs to 86.6 acres

**Source:** DESCHUTES RIVER, tributary to COLUMBIA RIVER

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.

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	12 E	WM	29	SE NE	NORTH 36 DEGREES 45 MINUTES WEST, 1056.8 FEET FROM THE E1/4 CORNER OF SECTION 29; WEIR LOCATION – SWSE, T14S R13E, SECTION 13

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	14 E	WM	9	NW NE	1.0

4. Transfer Application T-10667 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	13 E	WM	13	NW NE	0.10
14 S	13 E	WM	13	SW NE	0.90

5. Notice of the application for temporary transfer was published on July, 15, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Transfer Application T-10667 proposes to temporarily transfer water rights within the boundaries of Crook County Improvement District #1. The district was notified of the proposed temporary transfer and did not provide any comments.
7. Water has been used within the last five years according to the terms and conditions of the right and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. Certificate 76714 is appurtenant to the land from which Transfer Application T-10667 is proposing to be transferred. The applicant has indicated that the supplemental irrigation under Certificate 76714 shall remain unexercised during the term of this temporary transfer.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed change would not result in enlargement of the right.
11. 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.

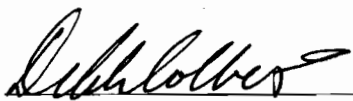
**Conclusions of Law**

The temporary change in place of use as proposed in Transfer Application T-10667 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in Transfer Application T-10667 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2008, 2009, 2010, 2011 and 2012 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2012 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 72197 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 72197.
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 the existing headgate and shall make such improvements as may be required by the Department.
9. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
10. The use of the remaining water right described by Certificate 72197 shall continue to be in accordance with the terms and conditions of Certificate 72197.

Dated at Salem, Oregon this 18<sup>th</sup> day of August, 2008.

  
Phillip C. Ward, Director

Mailing Date: AUG 22 2008