

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: BIG BUTTE CREEK, TRIBUTARY TO ROGUE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
35 S	2 E	WM	3	NW NW	4	1030 FEET SOUTH AND 290 FEET EAST FROM THE NW CORNER OF SECTION 3
35 S	2 E	WM	10	NE NE		1130 FEET SOUTH AND 700 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
35 S	1E	WM	4	NE NE	0.8	100	ROSENDAHL	2022-002	

- Transfer Application T-13958 proposes to change the place of use to:

Proposed Place of Use:

IRRIGATION									
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	Water User	Notice	
35 S	1E	WM	4	NE NE	0.8	100	ROSENDAHL	2022-002	

- Pursuant to ORS 540.523(7), during the period of this temporary transfer, this transfer must be conditioned to prevent lands from which the water right is removed from receiving water under the transferred water right.

Temporary Transfer Review Criteria

- The water rights are subject to transfer as defined in OAR 690-380-0100(14).
- Water has been used within the last five years according to the terms and conditions of the water right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 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.
- The proposed changes, as conditioned, would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
- The Department finds the proposed changes would not result in injury to other water rights in accordance with ORS 540.523(2). 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.

11. All other applicable requirements for a temporary water right transfer pursuant to OAR Chapter 690, Division 380, are met.

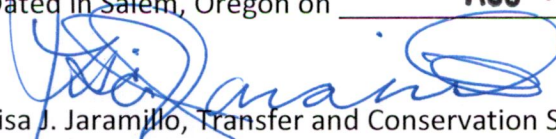
Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-13958 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in places of use proposed in Temporary Transfer Application T-13958 is approved, as conditioned below.
2. The land from which the water right described by Water Right Certificate 89373 is temporarily removed shall not receive any water under the rights during the 2022, 2023, 2024, 2025, and 2026 irrigation seasons.
3. All uses of water under this temporary transfer shall revert automatically to the authorized place of use at the end of the 2026 irrigation season, or earlier, if requested in writing by the applicant.
4. Any subsequent application for permanent transfer of Certificate 89373 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.
5. The time during which water is used on the proposed lands under this approved temporary transfer does not apply toward a finding of forfeiture of Certificate 89373 under ORS 540.610.
6. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
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 Certificate 89373.
8. The use of the remaining water right described by Certificate 89373 not involved in this transfer shall continue to be in accordance with the terms and conditions of those Certificates.

Dated in Salem, Oregon on **AUG 10 2022**


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

Mailing Date: **AUG 11 2022**