

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

In the Matter of Transfer Application     )  
T-12914, Union County                    )  
  )     FINAL ORDER APPROVING  
  )     TEMPORARY CHANGES IN PLACE  
  )     OF USE

**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**

MW PROPERTY, LLC  
21282 TUCKER RD  
GREENLEAF, ID 83626

**Findings of Fact**

1. On May 3, 2018, MW PROPERTY, LLC filed an application to temporarily change the place of use under Certificates 6237, 6240, 6258, 27460, and 33897 for a period of 4 years. The Department assigned the application number T-12914.
2. Notice of the application for transfer was published on May 8, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 23, 2018, the Department contacted MW Property, LLC by written correspondence to notify the applicant of the deficiencies in the application. The Department requested that the deficiencies be resolved by June 25, 2018.
4. On June 5, 2018, the applicant submitted an Evidence of Use Affidavit with supporting documentation.

<p>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.</p>
---

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

**Certificate:** 6237 in the name of JAMES D. DOBBIN (confirmed by Grande Ronde River, Consolidated decree)  
**Use:** IRRIGATION of 26.9 ACRES  
**Priority Date:** MARCH 1905 for Tract #2  
**Rate:** 0.67 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** The amount of water used for irrigation to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.0 acre-feet per acre in any irrigation season diverted at a rate of not to exceed ONE-FORTIETH of a cubic foot per second per acre.  
**Source:** CATHERINE CREEK for TRACT #2

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	11	NW NE	15.4
4 S	39 E	WM	11	SW NE	11.5
Total					26.9

6. The Department received information that better describes the location of the authorized point of diversion for Certificate 6237 as follows:

CATHERINE CREEK FOR TRACT #2					
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	39 E	WM	13	SE SE	786.1 FEET NORTH 456 FEET WEST FROM THE SE CORNER OF SECTION 13

7. Temporary Transfer Application T-12914 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	NE NE	15.2
4 S	39 E	WM	10	SE NE	11.7
Total					26.9

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

**Certificate:** 6240 in the name of W. M. DOBBIN (confirmed by Grande Ronde River, Consolidated decree)  
**Use:** IRRIGATION of 63.8 ACRES  
**Priority Date:** 1864 for TRACT #1; MARCH 1905 for TRACT #2  
**Rate:** 1.6 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.0 acre-feet per acre in any irrigation season diverted at a rate of not to exceed ONE-FORTIETH of a cubic foot per second per acre.

**Source:** LITTLE CREEK AND SLOUGH FOR TRACT #1; CATHERINE CREEK FOR TRACT #2

**Authorized Place of Use:**

1864 TRACT #1 IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	11	NE NE	5.2
4 S	39 E	WM	11	NW NE	5.0
4 S	39 E	WM	11	SW NE	5.0
Total					15.2

1905 TRACT #2 IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	11	NE NE	30.0
4 S	39 E	WM	11	NW NE	5.0
4 S	39 E	WM	11	SW NE	5.0
4 S	39 E	WM	11	SE NE	18.6
Total					48.6

9. The 5.0 acres located in the NW ¼ NE ¼, and the SW ¼ NE ¼ are stacked.
10. The Department received information that better describes the location of the authorized point of diversion for Certificate 6240 as follows:

CATHERINE CREEK FOR TRACT #2					
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	39 E	WM	13	SE SE	786.1 FEET NORTH 456 FEET WEST FROM THE SE CORNER OF SECTION 13

11. Temporary Transfer Application T-12914 proposes to temporarily change the place of use of the right to:

1864 TRACT #1 IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	NE NE	5.0
4 S	39 E	WM	10	SE NE	10.2
Total					15.2

1905 TRACT #2 IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	NE NE	6.8
4 S	39 E	WM	10	SE NE	5.0
4 S	39 E	WM	11	NW NW	23.4
4 S	39 E	WM	11	SW NW	23.4
Total					48.6

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

**Certificate:** 6258 in the name of HATTIE EWIN (confirmed by Grande Ronde River, Consolidated decree)

**Use:** IRRIGATION of 84.9 ACRES

**Priority Date:** 1864



**Rate:** 2.12 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 3.0 acre-feet per acre in any irrigation season diverted at a rate of not to exceed ONE-FORTIETH of a cubic foot per second per acre.  
**Source:** LITTLE CREEK

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	NE NE	22.0
4 S	39 E	WM	10	SE NE	21.9
4 S	39 E	WM	11	NW NW	20.5
4 S	39 E	WM	11	SW NW	20.5
Total					84.9

13. Temporary Transfer Application T-12914 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	11	NE NE	35.2
4 S	39 E	WM	11	NW NE	20.4
4 S	39 E	WM	11	SW NE	16.5
4 S	39 E	WM	11	SE NE	12.8
Total					84.9

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

**Certificate:** 27460 in the name of JOAN BOUVY STUART (perfected under Permit S-23424)  
**Use:** IRRIGATION of 5.8 ACRES  
**Priority Date:** APRIL 19, 1955  
**Rate:** 0.15 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-FORTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** CATHERINE CREEK, a tributary of GRANDE RONDE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
4 S	39 E	WM	13	SE SE

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	11	NW NW	2.9
4 S	39 E	WM	11	SW NW	2.9
Total					5.8

15. The Department received information that better describes the location of the authorized point of diversion for Certificate 27460 as follows:

CATHERINE CREEK FOR TRACT #2					
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	39 E	WM	13	SE SE	786.1 FEET NORTH 456 FEET WEST FROM THE SE CORNER OF SECTION 13

16. Temporary Transfer Application T-12914 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	11	SE NE	5.8

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

**Certificate:** 33897 in the name of PEARL WOODRUFF (perfected under Permit U-582)  
**Use:** SUPPLEMENTAL IRRIGATION of 90.7 ACRES  
**Priority Date:** OCTOBER 7, 1953  
**Rate:** 1.11 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, shall be limited to ONE-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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** WOODRUFF WELL NO. 1, a tributary of LITTLE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	39 E	WM	11	SE NE	50 FEET NORTH AND 125 FEET WEST FROM THE E1/4 CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	11	NE NE	35.2
4 S	39 E	WM	11	NW NE	20.4
4 S	39 E	WM	11	SW NE	16.5
4 S	39 E	WM	11	SE NE	18.6
Total					90.7

18. Temporary Transfer Application T-12914 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	39 E	WM	10	NE NE	15.2
4 S	39 E	WM	10	NE NE	6.8
4 S	39 E	WM	10	SE NE	10.2
4 S	39 E	WM	10	SE NE	11.7
4 S	39 E	WM	11	NW NW	23.4
4 S	39 E	WM	11	SW NW	23.4
Total					90.7

**Temporary Transfer Review Criteria**

19. 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.
20. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
21. The proposed changes would not result in enlargement of the rights.
22. 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 proposed in Temporary Transfer Application T-12914 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 proposed in Temporary Transfer Application T-12914 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2018, 2019, 2020, and 2021 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
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 Certificates 6237, 6240, 6258, 27460, and 33897 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 6237, 6240, 6258, 27460, and 33897.
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 rights described by Certificates 6237, 6240, 6258, 27460, and 33897 shall continue to be in accordance with the terms and conditions of Certificates 6237, 6240, 6258, 27460, and 33897.

Dated at Salem, Oregon this JUN 18 2018.

  
\_\_\_\_\_  
Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing Date: JUN 19 2018