

Source: Big Nestucca River, tributary to the Pacific Ocean

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	8 W	WM	30	SW NE	1130 FEET SOUTH AND 670 FEET WEST FROM THE NE CORNER OF THE SW¼ NE ¼ OF SECTION 30

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	8 W	WM	30	SW NE	13.60
3 S	8 W	WM	30	SE NW	1.30
3 S	8 W	WM	30	NE SW	0.30
3 S	8 W	WM	30	NW SE	0.50
Total:					15.70

4. Temporary Transfer Application T-11792 proposes to temporarily change the place of use of the right to :

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	9 W	WM	25	NE SW	1.3
3 S	9 W	WM	25	NW SE	12.9
3 S	9 W	WM	25	SW SE	1.5
Total:					15.70

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11792 proposes to move the authorized point of diversion approximately 1.3 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 W	WM	25	SW SE	1120 FEET NORTH AND 30 FEET EAST FROM THE S¼ CORNER OF SECTION 25

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed changes would not result in enlargement of the right.
9. 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 to convey water to the temporary place of use proposed in Temporary Transfer Application T-11792 is 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 point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-11792 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2014, 2015, 2016, 2017 and 2018 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2018 irrigation season. The authorization to use the additional point 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.
5. A subsequent application for permanent transfer of Certificate 38988 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 38988.
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 Director may require the water user to install a totalizing flow meter or other suitable measuring device at each point of diversion. If the Director notifies the water user to install a totalizing flow meter or other suitable measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.
9. The use of the remaining water right described by Certificate 38988 shall continue to be in accordance with the terms and conditions of Certificate 38988.

Dated at Salem, Oregon this 27 day of May 2014.


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

Mailing Date: MAY 28 2014