

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

In the Matter of Temporary Transfer            )     ORDER TERMINATING A PORTION  
T-10760, Wallowa County, Oregon             )     OF A TEMPORARY TRANSFER AT  
  )     THE REQUEST OF THE WATER USER

**Authority**

OAR 690-380-8002(3) and 690-380-8004(7) provide that the uses authorized under a temporary transfer revert to the terms and conditions of the originating water right on the written request of the applicant.

**Applicants**

DOUGLAS and WILLIAM DOUGHERTY  
PO BOX 277  
WALLOWA, OR 97885

**Findings of Fact**

1. On February 20, 2009, the Water Resources Department issued an order approving the temporary changes proposed in Application T-10760. The order was recorded in Special Order Volume 77, Page 274.
2. Under the order, the water right would revert to the authorized place of use at the end of the 2013 irrigation season.
3. The most recent use of water at the place of use authorized under the temporary transfer was during the 2012 irrigation season.
4. On April 1, 2013, Douglas Dougherty, owner of the lands to which the water right is appurtenant, submitted a written request to terminate a portion of the transfer, so that the 10.4 acres transferred to the NE SE of Section 3, T1N, R42E, W.M. under the temporary transfer be voluntarily reverted back to the original location under Certificate 79795 prior to the 2013 irrigation season. The 2.8 acres transferred to SE SW of Section 2 would remain in place through the 2013 irrigation season under the temporary transfer. As the owner of the lands, he is authorized to seek partial termination of the temporary transfer.

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.

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

1. The order approving Temporary Transfer T-10760, recorded as Special Order Volume 77, page 274, is amended by this order.
2. The use of water to irrigate 10.4 acres shall revert to the place of use authorized under Certificate 79795 effective with this order, but the change to move 2.8 acres temporarily to the SE SW of Section 2, T1N, R42E shall remain in effect until the end of the 2013 irrigation season, at which time it will automatically revert to the authorized place of use under Certificate 79795.
3. Water may not be used for either the 10.4 acre portion or the 2.8 acre portion at both the original authorized place of use and the place authorized under the T-10760 order during the same season.

Dated at Salem, Oregon this 16 day of April, 2013.

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

Mailing date: may 20 2013