



PER SECOND (CFS) from March 1st to July 1st and 0.38 CFS from July 1st to October 1st of each year; the total quantity diverted during each irrigation season not to exceed 325 acre feet.

**Source:** NORTH POWDER RIVER, a tributary of POWDER RIVER

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	34	SE NE	30.0

4. Certificate 1459 does not describe the location of the point of diversion, however information is available from the applicant indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	5	NW NE	140 FEET SOUTH AND 2380 FEET WEST FROM THE NE CORNER OF SECTION 5

5. Temporary Transfer Application T-12405 proposes to temporarily change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	33	NE SE	10.0
6 S	38 E	WM	33	NW SE	10.0
6 S	38 E	WM	33	SE SE	10.0

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

**Certificate:** 72286 in the name of RICHARD STEVENS (confirmed by decree of the Circuit Court of the State of Oregon for Union County, Volume 3, at Page 252)

**Use:** IRRIGATION of 30.0 ACRE

**Priority Date:** 1871

**Rate:** 0.75 CUBIC FEET PER SECOND

**Limit/Duty:** The amount of water entitled and hereby confirmed for this right, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.75 cubic feet per second from March 1st to October 1st.

**Period of Use:** March 1st to October 1st

**Source:** NORTH POWDER RIVER, tributary of POWDER RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	38 E	WM	5	NW NE	HUTCHINSON HILLSIDE DITCH - 140 FEET SOUTH AND 2380 FEET WEST FROM THE NE CORNER OF SECTION 5

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	33	NE SE	10.0

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	33	NW SE	10.0
6 S	38 E	WM	33	SE SE	10.0

7. Temporary Transfer Application T-12405 proposes to temporarily change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	38 E	WM	34	SE NE	30.0

8. Temporary Transfer Application T-12405 proposes to temporarily transfer water rights within the boundaries of Powder Valley Water Control District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.

***Temporary Transfer Review Criteria***

9. 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.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would not result in enlargement of the rights.
12. 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-12405 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

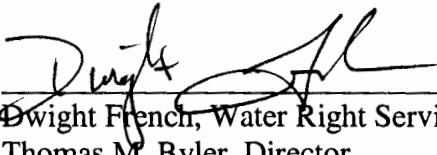
**Now, therefore, it is ORDERED:**

1. The temporary changes in place of use proposed in Temporary Transfer Application T-12405 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2016, 2017, 2018, 2019 and 2020 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2020 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 1459 and 72286 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 1459 and 72286.
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 headgate and measurement devices.
9. The use of the remaining water rights described by Certificates 1459 and 72286 shall continue to be in accordance with the terms and conditions of Certificates 1459 and 72286.

Dated at Salem, Oregon this 20 day of July, 2016.



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

Mailing Date: 'JUL 22 2016