



**Authorized Points of Diversion**

Ditch Names
CHRISTEN COLES TONEY

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	34	NE NW	37.00
7 S	39 E	WM	34	SE NW	32.00
7 S	39 E	WM	34	NE SW	31.00
7 S	39 E	WM	34	SE SW	22.20
Total Acres:					122.20

4. Temporary Transfer Application T-11576 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	13	NE NE	30.55
7 S	39 E	WM	13	SE NE	30.55
7 S	40 E	WM	18	NW NW	30.55
7 S	40 E	WM	18	SW NW	30.55
Total Acres:					122.20

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

**Certificate:** 64148 in the name of FARM CREDIT BANK OF SPOKANE (confirmed by Powder River Decree)

**Use:** IRRIGATION of 122.2 ACRES

**Priority Date:** 1885

**Rate:** 3.05 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, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated during the irrigation season of each year.

**Source:** POWDER RIVER within the SNAKE RIVER BASIN

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	39 E	WM	11	NE SW	1050 FEET SOUTH AND 1290 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	13	NE NE	30.55
7 S	39 E	WM	13	SE NE	30.55
7 S	40 E	WM	18	NW NW	30.55
7 S	40 E	WM	18	SW NW	30.55
Total Acres:					122.2

6. Temporary Transfer Application T-11576 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	34	NE NW	37.0
7 S	39 E	WM	34	SE NW	32.0
7 S	39 E	WM	34	NE SW	31.0
7 S	39 E	WM	34	SE SW	22.2
Total Acres:					122.2

**Temporary Transfer Review Criteria**

7. 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.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
9. The proposed change would not result in enlargement of the rights.
10. The proposed change 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**

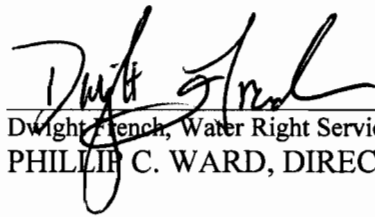
The temporary change in place of use proposed in application Temporary Transfer Application T-11576 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary change in place of use proposed in Temporary Transfer Application T-11576 is approved.
2. Each water right **shall not** irrigate its original place of use during the 2013, 2014, 2015, 2016 and 2017 irrigation seasons.

3. The rights shall revert to their authorized places of use at the end of the 2017 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 4065 and 64148 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 4065 and 64148.
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 portions of the water rights described by Certificates 4065 and 64148 shall continue to be in accordance with the terms and conditions of Certificates 4065 and 64148.

Dated at Salem, Oregon this 26 day of May, 2013.



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

Mailing Date: May 30 2013