



**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	7 W	WM	4	NE NW	1.3
40 S	7 W	WM	4	SE NW	1.7
TOTAL					3.0

4. Temporary Transfer Application T-12802 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	7 W	WM	4	NE NW	3.0

5. Certificate 54974 does not describe the location of the point of diversion nor does the Althouse Creek Decree, 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
40 S	7 W	WM	9	SE NE	2030 FEET SOUTH AND 70 FEET WEST FROM THE SE CORNER OF SECTION 9

6. Certificate 54974 does not describe the duty of the right, however information is available from the Althouse Creek decree indicating that the duty allowed for the right is 1/50<sup>th</sup> per acre under the terms and conditions contained in the decree.

***Temporary Transfer Review Criteria***

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

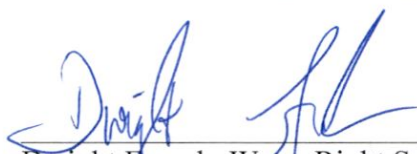
**Conclusions of Law**

The temporary change in place of use proposed in Temporary Transfer Application T-12802 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-12802 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2018, 2019, 2020, 2021, and 2022 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2022 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 Certificate 54974 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 54974.
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 right described by Certificate 54974 shall continue to be in accordance with the terms and conditions of Certificate 54974.

Dated at Salem, Oregon, FEB 26 2018.



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

Mailing Date: FEB 27 2018