



**Authorized Point of Diversion:** None specified on certificate

**Authorized Place of Use:**

IRRIGATION, LIVESTOCK AND DOMESTIC TRACT 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	28	NE NE	8.3

3. Certificate 24997 does not describe the location of the point of diversion, however information is available from the Certified Water Right Examiner, that is consistent with information available from the decree map, indicating that the authorized point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	28	NW SE	1660 FEET NORTH AND 1780 FEET WEST FROM THE SE CORNER OF SECTION 28

4. Temporary Transfer Application T-11082 proposes to temporarily change the place of use of the right to:

IRRIGATION, LIVESTOCK AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	27	SW NW	5.75
13 S	29 E	WM	28	SE NE	2.45
13 S	29 E	WM	28	NE SE	0.1

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11082 proposes to move the authorized point of diversion approximately 1.03 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	33	NE SW	3380 FEET SOUTH AND 3130 FEET WEST FROM THE SE CORNER OF SECTION 28

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

**Certificate:** 36873 in the name of UNA POPE (perfected under Permit S-27375)  
**Use:** IRRIGATION OF 8.3 ACRES  
**Priority Date:** MAY 5, 1961  
**Rate:** 0.21 CUBIC FOOT 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, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** MOON CREEK, tributary to the JOHN DAY RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	29 E	WM	33	NE SW	5980 FEET SOUTH AND 3130 FEET WEST FROM THE E¼ CORNER OF SECTION 28 (ALSO DESCRIBED AS 3380 FEET SOUTH AND 3130 FEET WEST FROM THE SE CORNER OF SECTION 28)

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	27	SW NW	5.75
13 S	29 E	WM	28	SE NE	2.45
13 S	29 E	WM	28	NE SE	0.1

7. Temporary Transfer Application T-11082 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	29 E	WM	28	NE NE	8.3

8. Notice of the application for temporary transfer was published on pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Temporary Transfer Review Criteria***

10. 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.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
12. The proposed changes would not result in enlargement of the rights.
13. 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(6) 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 application Temporary Transfer Application T-11082 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

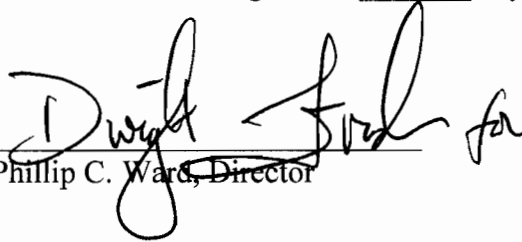
### Now, therefore, it is ORDERED:

1. The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-11082 are approved.
2. The use shall revert to the authorized place of use at the end of the 2014 irrigation season. The authorization to use the changed point of diversion under Certificate 24997 shall be terminated concurrently.
3. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. A subsequent application for permanent transfer of Certificates 24997 and 36873 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.
5. 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 24997 and 36873.
6. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
7. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department
8. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
  - b. The water user shall maintain the meter or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and

Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

10. The use of the remaining water rights described by Certificates 24997 and 36873 shall continue to be in accordance with the terms and conditions of Certificates 24997 and 36873.

Dated at Salem, Oregon this 25 day of August, 2010.

  
Phillip C. Ward, Director

Mailing Date: AUG 27 2010