

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	13	NE SW	DIVERSION 6 – 2710 FEET SOUTH AND 2830 FEET WEST FROM THE NE CORNER OF SECTION 13
18 S	11 E	WM	27	NE SW	DIVERSION 1 – ARNOLD CANAL – 2800 FEET SOUTH AND 3740 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
18 S	11 E	WM	13	NW SE	2.14	1200
18 S	12 E	WM	3	SW SW	4.13	5600
18 S	12 E	WM	3	SW SW	1.62	5900
18 S	12 E	WM	3	SW SW	1.35	6000
Total:					9.24	

3. Temporary Transfer Application T-10856 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
18 S	12E	WM	5	NE SE	0.25	700
18 S	12 E	WM	5	NW SW	0.18	700
18 S	12 E	WM	5	NW SW	0.47	800
18 S	12 E	WM	5	NE SW	0.03	800
18 S	12 E	WM	5	NW SW	8.31	801
Total:					9.24	

4. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-10856 proposes to change point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	12 E	WM	5	SE NW	SOUTH 65 DEGREES 46 MINUTES 27 SECONDS WEST, 3621.45 FEET FROM THE NE CORNER OF SECTION 5

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

Certificate: 74197 in the name of Central Oregon Irrigation District (perfected under Permit S-23256)

Use: SUPPLEMENTAL IRRIGATION of 9.24 ACRES

Priority Date: February 28, 1913

Rate: Limited to the duty of water as set out in the modified supplemental decree of the circuit court dated March 24, 1933, in the matter of the determination of the relative rights to the use of the waters of the Deschutes River and its tributaries.

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	11 E	WM	13	NE SW	ARNOLD 6 – 2710 FEET SOUTH AND 2830 FEET WEST FROM THE NE CORNER OF SECTION 13
18 S	11 E	WM	27	NE SW	ARNOLD IRRIGATION DISTRICT MAIN CANAL – 2800 FEET SOUTH AND 3740 FEET WEST FROM THE NE CORNER OF SECTION 27
21 S	8 E	WM	17	NE NE	CRANE PRAIRIE RESERVOIR DAM

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
18 S	11 E	WM	13	NW SE	2.14	1200
18 S	12 E	WM	3	SW SW	4.13	5600
18 S	12 E	WM	3	SW SW	1.62	5900
18 S	12 E	WM	3	SW SW	1.35	6000
Total:					9.24	

6. Temporary Transfer Application T-10856 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
18 S	12E	WM	5	NE SE	0.25	700
18 S	12 E	WM	5	NW SW	0.18	700
18 S	12 E	WM	5	NW SW	0.47	800
18 S	12 E	WM	5	NE SW	0.03	800
18 S	12 E	WM	5	NW SW	8.31	801
Total:					9.24	

7. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-10856 proposes to change point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	12 E	WM	5	SE NW	SOUTH 65 DEGREES 46 MINUTES 27 SECONDS WEST, 3621.45 FEET FROM THE NE CORNER OF SECTION 5

8. Notice of the application for temporary transfer was published on May 5, 2009, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

Temporary Transfer Review Criteria

9. The right was leased instream under L-519 and L-926 during the years 2004 to 2008 and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610..
10. A pump sufficient to use the full amount of water allowed under the existing right is present.

11. The proposed change would not result in enlargement of the right.
12. 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(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 as proposed in Temporary Transfer Application T-10856 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 as proposed in Temporary Transfer Application T-10856 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2009, irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2009 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 74197 and 76714 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 74197 and 76714.
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 and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The water user shall maintain the meters or measuring devices in good working order.
10. The water user shall measure and report to the district the amount used for the lands involved in this transfer.
11. The use of the remaining water right described by Certificates 74197 and 76714 shall continue to be in accordance with the terms and conditions of Certificates 74197 and 76714.

Dated at Salem, Oregon this 8th day of June, 2009.


Phillip C. Ward, Director 

Mailing Date: JUN 12 2009