

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-EIGHTIETH of one cubic foot per second, not to exceed 3 acre-feet per acre during the irrigation season of each year

Source: A WELL within BUTTER CREEK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q - Q | Survey Coordinates |
|-----|------|-----|-----|-------|--|
| 2 N | 27 E | WM | 28 | SE NE | 280 FEET NORTH AND 50 FEET WEST FROM THE E1/4 CORNER OF SECTION 28 |

Permit: S-46499 in the name of JOHN MADISON, AGENT for FRANK MADER, OWNER (filed under Application S-57999)

Use: SUPPLEMENTAL IRRIGATION of 10.0 ACRES

Priority Date: OCTOBER 16, 1978

Rate: 0.20 cfs

Limit/Duty: 1/50 cfs per acre, not to exceed 1.0 acre-foot per acre during the period from September 2 to December 30, provided further that the right together with the amount secured under any other right shall not exceed 4.0 acre-feet per acre during the irrigation season of each year.

Source: BUTTER CREEK, tributary to the UMATILLA RIVER

Season of Use: September 2 – December 30

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q - Q | Survey Coordinates |
|-----|------|-----|-----|-------|---|
| 2 N | 27 E | WM | 28 | SE NE | DIVERSION P - 20 FEET NORTH AND 40 FEET WEST FROM THE W1/4 CORNER OF SECTION 27 |

Authorized Places of Use:

| IRRIGATION (IR) - SUPPLEMENTAL IRRIGATION (IS) | | | | | | | |
|--|------|-----|-----|-------|---------------------|------------|----------------|
| Twp | Rng | Mer | Sec | Q - Q | Certificate (Acres) | | |
| | | | | | 74795 (IR) | 31096 (IS) | Per#46499 (IS) |
| 2 N | 27 E | WM | 28 | SW NE | 3.8 | 3.8 | 3.8 |
| 2 N | 27 E | WM | 28 | SE NE | 6.2 | 6.2 | 6.2 |

3. Temporary Transfer Application T-11578 proposes to temporarily change the places of use of the above described rights to:

| IRRIGATION (IR) - SUPPLEMENTAL IRRIGATION (IS) | | | | | | | |
|--|------|-----|-----|-------|---------------------|------------|----------------|
| Twp | Rng | Mer | Sec | Q - Q | Certificate (Acres) | | |
| | | | | | 74795 (IR) | 31096 (IS) | Per#46499 (IS) |
| 2 N | 27 E | WM | 28 | SW NE | 10.0 | 10.0 | 10.0 |

4. Notice of the application for transfer was published on April 30, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Temporary Transfer Review Criteria

5. 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.

6. Pumps, pipeline, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
7. The proposed changes, as conditioned, would not result in enlargement of the rights.
8. The proposed change, as conditioned, 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 change in place of use proposed in application Temporary Transfer Application T-11578 are 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-11578 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2013, 2014, 2015, 2016, and 2017 irrigation seasons.
3. The use shall revert to the authorized place 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 changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 74795 and 31096 and water use Permit S-46499 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 all other terms and conditions of Certificates 74795 and 31096 and water use Permit S-46499.
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 devices and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 31 day of May, 2013.


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

Mailing Date: JUNE 7 2013