



5. On August 1, 2017, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12606 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on August 8, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 57784 in the name of DONALD L. HOUGH (perfected under Permit S-41712)  
**Use:** IRRIGATION OF 12.0 ACRES  
**Priority Date:** APRIL 14, 1977  
**Rate:** 0.30 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** WALLOWA RIVER, tributary to the GRANDE RONDE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	45 E	WM	5	NE NW	3	880 FEET SOUTH AND 1550 FEET EAST FROM THE NW CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	45 E	WM	24	NE SW	0.8
2 S	45 E	WM	24	NE SE	1.9
2 S	45 E	WM	24	NW SE	9.3
Total					12.0

7. Certificate 57784 describes the authorized place of use as 0.8 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.9 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 9.3 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, Township 2 South, Range 45 East, WM, Wallowa County, Oregon.
- The transfer application depicts the place of use under Certificate 57784 as being 0.5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 11.5 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 24, Township 2 South, Range 45 East, WM, Wallowa County, Oregon.
  - Based on the original Government Land Office survey map and the USGS Quad map, the size of the section lines are larger than normal section lines therefore the size of the QQs are larger than a typical QQ. The QQ's in this section would be approximately 1400 feet long. As a result of the size of the QQ, a shift of the QQ lines is necessary. This shift would align the established long standing fence line of the applicant. Aerial photography shows the long term accepted property boundary lines which have not changed. The property boundary lines along with the water right descriptions would align almost perfectly with the shift described above. Also, Water Right Certificate

57784 was applied and issued to Donald L. Hough assuming all the water rights issued were appurtenant to his land. Therefore, the Department concludes that the land to which the right has always been appurtenant should be re-described, consistent with the application map prepared by the CWRE, and is described in the table below.

- c. The following table lists the place of use as described in existing Certificate 57784 and a proposed re-description based on the above findings:

Twp	Rng	Sec	Original Description of Place of Use			Proposed Re-Description of Place of Use			
			Q-Q	DLC or GLot	Acres	Q-Q	DLC or GLot	Acres	Current Tax Lot [optional]
2 S	45 E	24	NESW		0.8	2 S	45 E	0.5	7600
2 S	45 E	24	NESE		1.9	2 S	45 E	11.5	7600
2 S	45 E	24	NWSE		9.3				

8. Transfer Application T-12606 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	45 E	WM	24	NE SW	0.8
2 S	45 E	WM	24	SE SW	9.9
2 S	45 E	WM	24	NW SE	1.3
Total					12.0

**Transfer Review Criteria [OAR 690-380-4010(2)]**

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12606.
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.

**Conclusions of Law**

The change in place of use proposed in Transfer Application T-12606 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in place of use proposed in Transfer Application T-12606 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 57784 and any related decree.
3. Water right Certificate 57784 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.
5. Water use measurement conditions:
  - a. **Before water use may begin** under this order, the water user shall install a suitable measuring device, at each point of diversion (new and existing).
  - b. The water user shall maintain the measuring device in good working order.
  - c. The water user shall allow the Watermaster access to the measuring device; provided however, where the measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
6. The former place of use of the transferred right shall no longer receive water under the right.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 19 day of September, 2017.

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

Mailing date: SEP 20 2017