

Source: WELL NO. 2, a tributary of WILLOW CREEK, (MALHEUR RIVER)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	39 E	WM	32	NE NE	1300 FEET SOUTH AND 525 FEET WEST FROM THE NE CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	28	SW NE	9.3
14 S	39 E	WM	28	NE SW	2.1
14 S	39 E	WM	28	SE SW	16.8
14 S	39 E	WM	28	NW SE	37.8
14 S	39 E	WM	28	SW SE	20.0
14 S	39 E	WM	33	NW NE	1.2
14 S	39 E	WM	33	NE NW	17.5
Total					104.7

4. Temporary Transfer Application T-13670 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	27	NW SW	0.3
14 S	39 E	WM	27	SW SW	0.1
14 S	39 E	WM	28	NE SE	32.7
14 S	39 E	WM	28	NW SE	23.9
14 S	39 E	WM	28	SW SE	20.3
14 S	39 E	WM	28	SE SE	27.4
Total					104.7

5. The second right to be transferred is as follows:

Certificate: 48389 in the name of RAYMOND M. AND V. FERNE DUNCAN (perfected under Permit S-36682)

Use: SUPPLEMENTAL IRRIGATION of 104.7 ACRES

Priority Date: FEBRUARY 16, 1972

Rate: 1.6 CUBIC FEET 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 a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that although declared herein to be for supplemental irrigation the right allowed may, in the interest of conserving the ground water supplies, be exercised at times when water is available in the ground water supply provided that the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

Source: SOUTH FORK WILLOW CREEK a tributary of WILLOW CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	39 E	WM	28	SW NW	2670 FEET NORTH AND 980 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	28	SW NE	9.3
14 S	39 E	WM	28	NE SW	2.1
14 S	39 E	WM	28	SE SW	16.8
14 S	39 E	WM	28	NW SE	37.8
14 S	39 E	WM	28	SW SE	20.0
14 S	39 E	WM	33	NW NE	1.2
14 S	39 E	WM	33	NE NW	17.5
Total					104.7

6. Temporary Transfer Application T-13670 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	27	NW SW	0.3
14 S	39 E	WM	27	SW SW	0.1
14 S	39 E	WM	28	NE SE	32.7
14 S	39 E	WM	28	NW SE	23.9
14 S	39 E	WM	28	SW SE	20.3
14 S	39 E	WM	28	SE SE	27.4
Total					104.7

7. The third right to be transferred is as follows:

Certificate: 56242 in the name of RAYMOND M. AND V. FERNE DUNCAN (perfected under Permit S-46371)
Use: IRRIGATION of 15.2 ACRES
Priority Date: FEBRUARY 9, 1981
Rate: 0.38 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 a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: SOUTH FORK WILLOW CREEK, a tributary of WILLOW CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	39 E	WM	28	SW NW	2650 FEET NORTH AND 915 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	28	SW NE	1.2
14 S	39 E	WM	28	SE NE	4.4
14 S	39 E	WM	28	NE SW	0.3
14 S	39 E	WM	28	SE SW	2.4
14 S	39 E	WM	28	NE SE	3.2
14 S	39 E	WM	28	NW SE	0.2
14 S	39 E	WM	28	SW SE	1.6
14 S	39 E	WM	33	NW NE	1.6
14 S	39 E	WM	33	NE NW	0.3
Total					15.2

8. Temporary Transfer Application T-13670 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	28	SW SW	8.2
14 S	39 E	WM	33	NW NW	4.7
14 S	39 E	WM	33	SW NW	2.3
Total					15.2

9. The portion of the fourth right to be transferred is as follows:

Certificate: 56243 in the name of RAYMOND M DUNCAN (perfected under Permit G-7418)

Use: SUPPLEMENTAL IRRIGATION of 100.8 ACRES

Priority Date: APRIL 6, 1977

Rate: 0.3 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-EIGHTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL, a tributary of SOUTH FORK WILLOW CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	39 E	WM	28	SW SW	1050 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	28	SW NE	9.3
14 S	39 E	WM	28	NE SW	2.1
14 S	39 E	WM	28	SE SW	16.8
14 S	39 E	WM	28	NW SE	36.6

Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	28	SW SE	20.0
14 S	39 E	WM	33	NW NE	1.2
14 S	39 E	WM	33	NE NW	14.8
				Total	100.8

10. Temporary Transfer Application T-13670 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	39 E	WM	27	NW SW	0.1
14 S	39 E	WM	28	NE SE	31.7
14 S	39 E	WM	28	NW SE	23.0
14 S	39 E	WM	28	SW SE	19.5
14 S	39 E	WM	28	SE SE	26.5
				Total	100.8

11. The Department has determined that Water Right Certificate 47744 is appurtenant to some of the lands to which Temporary Transfer T-13670 is proposed to be used.

Temporary Transfer Review Criteria

12. 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.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
14. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
15. 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(5) 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 proposed in Temporary Transfer Application T-13670 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

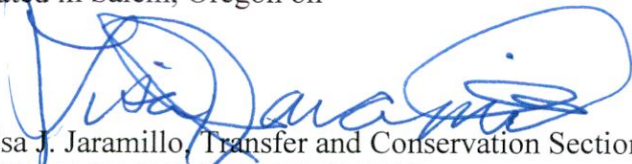
Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Temporary Transfer Application T-13670 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2021, 2022, 2023, 2024 and 2025 irrigation seasons.

3. The portion of the irrigated lands under Certificate 47744, which are layered with lands being moved by T-13670 **shall not** be exercised during the term of this temporary transfer.
4. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the temporary point of appropriation shall be terminated concurrently.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
6. A subsequent application for permanent transfer of Certificates 33312, 48389, 56242 and 56243 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.
7. 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 33312, 48389, 56242 and 56243.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. 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 appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. The use of the remaining water rights described by Certificates 33312, 48389, 56242 and 56243 shall continue to be in accordance with the terms and conditions of Certificates 33312, 48389, 56242 and 56243.

Dated in Salem, Oregon on

JUN 30 2021


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date:

JUN 30 2021