



**Limit/Duty:** The amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1 ½ acre feet per acre during any period of 30 days prior to July 31<sup>st</sup> of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season.

**Source:** HURRICANE CREEK a tributary of the WALLOWA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	45 E	WM	6	NE SE	Not Specified on Certificate

**Authorized Place of Use:**

IRRIGATION - TRACT 7						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
3 S	44 E	WM	1	NE NE	8	5.00

4. The Department received information from the applicants that better describes the point of diversion for Certificate 94277 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	44 E	WM	3	NE NE	POD #1 - 40 FEET SOUTH AND 40 FEET WEST FROM THE NE CORNER OF SECTION 3

5. Temporary Transfer Application T-13716 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
2 S	44 E	WM	5	NE NE	1	3.70
2 S	44 E	WM	5	SE NE		1.30
Total						5.00

6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13716 proposes to move the authorized point of diversion approximately 29 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	44 E	WM	24	SW NE	POD #2 – 1500 FEET SOUTH AND 3230 FEET WEST FROM THE NW CORNER OF SECTION 24

7. Temporary Transfer Application T-13716 proposes to temporarily transfer a water right within the boundaries of Alder Slope Ditch Company (Company). The ditch company was notified of the proposed temporary transfer and did not provide any comments.

#### ***Temporary Transfer Review Criteria***

8. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
10. 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 right, as required by ORS 540.523(7).
11. 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 change in place of use and a change in points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13716 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.


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

12. The temporary change in place of use and change in point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13716 is approved.
13. The former place of use **shall not** be irrigated as part of this water right during the 2021, 2022, 2023, 2024, and 2025 irrigation seasons.
14. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
15. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.

16. A subsequent application for permanent transfer of Certificate 94277 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.
17. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 94277.
18. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
19. The use of the remaining water right described by Certificate 94277 shall continue to be in accordance with the terms and conditions of Certificate 94277.

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**