

BEFORE THE WATER RESOURCES DIRECTOR OF
THE STATE OF OREGON

BAKER COUNTY

IN THE MATTER OF REJECTING DISTRICT)
TEMPORARY TRANSFER APPLICATION 9083)

FINAL ORDER

STATEMENT OF FACTS

Temporary Transfer Application 9083, in the name of Lower Powder River Irrigation District, was filed with the Department on April 4, 2002. The applicant submitted the appropriate examination fees with the transfer application.

Staff examined the temporary transfer application and found the portion of the water right proposed for transfer was still in permit status and not subject to transfer.

DETERMINATION AND FINDINGS

ORS 540.570 authorizes the temporary change in the place of use of water appurtenant to any land within the legal boundaries of an irrigation district. Temporary Transfer Application 9083 proposed changing the place of use of water appurtenant to lands located within the legal boundaries of the district.

ORS 540.570(a) authorizes the temporary change in the place of use of water appurtenant to any land within the legal boundaries of an irrigation district to an equal acreage elsewhere within the legal boundaries of that district provided the rate, duty, and number of acres to be irrigated do not exceed limits on the water use subject to transfer. Because the right proposed for transfer has not been perfected and is still in permit status, the right is not subject to transfer. Thus, the requested change in place of use of water under the right is not authorized by statute.

Staff performed an examination of the application, and one-half of the examination fees submitted according to ORS 536.050(i) will be reimbursed to the applicant.


This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

ORDER

Temporary Transfer Application 9083, in the name of Lower Powder River Irrigation District, is hereby REJECTED and of no further force or effect.

WITNESS the signature of the Water Resources Director, affixed OCT 11 2002 .



Paul R. Cleary, Director