

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) FINAL ORDER
T-10034, Union County) APPROVING A CHANGE IN PLACE
) OF USE

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

LESLIE M HENDERSON
2310 ADAMS AVENUE
LAGRANDE OR 97850

Findings of Fact

1. On December 12, 2005, Leslie M Henderson filed a transfer application to change the place of use under Certificate 6247. The Department assigned the application number T-10034.
2. The portion of the right to be transferred is as follows:

Certificate: 6247 in the name of C A DUNN (confirmed by Grande Ronde River decree) and confirmed by a transfer approved June 30, 1937 and entered in Volume 3 page 147 approving a change in point of diversion

Use: IRRIGATION of 0.50 ACRES

Priority Date: 1883

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: GRANDE RONDE RIVER, tributary to the SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	31	SE SE	400 FEET NORTH AND 200 FEET EAST FROM SW CORNER, SEC 31

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	9	SW NW	0.50

3. Application T-10034 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	9	NW SW	0.50

4. Notice of the application for transfer was published on December 19, 2005 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. On July 14, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10034 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on July 25, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed change in place of use in application T-10034 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 application T-10034 is approved.
2. Water Right Certificate 6247 is cancelled. A new certificate will be issued to confirm the portion of the right not involved in this transfer.
3. 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 6247 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water

Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

5. The former place of use of the transferred water shall no longer receive water as part of this right.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 29th day of August 2006.



Phillip C. Ward, Director

Mailing Date SEP 01 2006