

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	8	NE SW	9.1
3	N	29	E	W.M.	8	SE SW	8.9
3	N	29	E	W.M.	8	NW SE	7.4
3	N	29	E	W.M.	8	SW SE	1.5
3	N	29	E	W.M.	8	NW SE	1.3
3	N	29	E	W.M.	8	SW SE	3.1

4. Application T-10025 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	28	E	W.M.	12	SE SE	26.6
3	N	29	E	W.M.	8	NW SE	0.1
3	N	29	E	W.M.	8	SW SE	0.2
3	N	28	E	W.M.	12	SE SE	4.4

5. The applicant has indicated that the supplemental water right (Permit S-7400) will not be exercised during the term of this temporary transfer.
6. Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. 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.
8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.
10. The Department interprets the rate and duty under the terms of the decree to be 1/80th per acre not to exceed 3.0 acre-feet per acre for these lands.
11. Use of a reasonably efficient method of water application for a crop traditionally grown in the area would be unlikely to result in significant return flows. Therefore, the proposed change in place of use would not cause injury.
12. The uses of domestic and livestock as outlined in the Umatilla River Decree, Volume 3 Page 239 and Volume 15 Page 432 are not being affected by this transfer.

Conclusions of Law

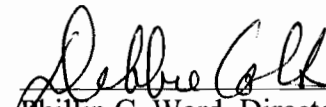
The temporary change in place of use proposed in application T-10025 is consistent with the

requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-10025 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2006, 2007, 2008 and 2009 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2009 irrigation season.
4. The supplemental water right (Permit S-7400) will not be exercised during the term of this temporary transfer.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. A subsequent application for permanent transfer of this water right evidenced by the associated decree (Umatilla River Decree Volume 3 Page 239 and Volume 15 Page 432) 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 the Umatilla River Decree, Volume 3 Page 239 and Volume 15 Page 432.
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. When required by the Department, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
10. The use of the remaining water right described by the associated decree shall continue to be in accordance with the terms and conditions of the Umatilla River Decree Volume 3 Page 239 and Volume 15 Page 432.

Dated at Salem, Oregon this 28th day of February, 2006.



FOR Phillip C. Ward, Director

Mailing date: 3-3-06