BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10025, Umatilla County, Oregon)	TEMPORARY CHANGE IN PLACE OF
)	USE

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion or appropriation 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

Agent

David Correa 31777 Andrews Rd. William Porfily **PO Box 643**

Echo, OR 97826

Stanfied, OR 97875

Findings of Fact

- William Porfily, Agent, on behalf of David Correa filed an application to temporarily transfer the place of use under an adjudicated, un-certificated right (Umatilla River Decree Volume 3 Page 239 and Volume 15 Page 432) for a period of five years. The Department assigned the application number T-10025.
- On February 27, 2006, William Porfily amended the application to a four year period rather than five years.
- The portion of the right to be transferred is as follows:

Decree:

Umatilla River in the name of Frank Correa, Sr. and B.F. McCullough

Use:

Irrigation of 31.3 acres

Priority Date: January 9, 1900

Rate/Duty:

1/80 cfs per acre for raw land with loose, coarse soil and 1/40th cfs per acre

for fine texture soil; not to exceed 3.0 acre-feet for raw land with loose, coarse soil and not to exceed 6.0 acre-feet per acre for fine texture soil.

Source:

Umatilla River, tributary to Columbia River

This is a final order in other than 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:

Tow	nship	Rai	nge	Meridian	Sec	1/4	1/4	Acres
3	N	29	Е	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:

Town	nship	Rai	nge	Meridian	Sec	1/4	1/4	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	Е	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 day of finery, 2006.

Phillip C. Ward, Director

Mailing date: 3 - 3 - 06