

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10164, Umatilla County)	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 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

LLOYD P. PIERCY
33927 RIVERVIEW DR
HERMISTON OR 97838

Findings of Fact

1. On May 3, 2006, Lloyd P. Piercy filed an application to temporarily change the place of use under Certificate 81319 for a period of two years. The Department assigned the application number T-10164.
2. On June 20 and June 21, 2006, amendments to the application and accompanying map were received. These amendments removed 3.6 acres in the NE SE of Section 21, T3N R29E, from the authorized place of use listing and added 3.6 acres to the SE SE of Section 21, T3N R29E, to the authorized place of use listing.
3. The portion of the right to be transferred is as follows:

Certificate: 81319 in the name of RON L HOLEMAN (perfected under Permit G-8369)
Use: IRRIGATION of 38.9 ACRES
Priority Date: OCTOBER 20, 1978
Rate: 0.49 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre feet per acre per year
Source: WELL #1 AND WELL #2 in the UMATILLA RIVER BASIN

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 Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	29 E	WM	21	SE SE	WELL #1 - 720 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21
3 N	29 E	WM	21	SE SE	WELL #2 - 370 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.6
3 N	29 E	WM	21	SE SW	1.7
3 N	29 E	WM	21	NW SE	18.8
3 N	29 E	WM	21	SW SE	10.7
3 N	29 E	WM	21	SE SE	7.1

4. Application T-10164 proposes to change the place of use of the right to:

IRRIGATION

Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.6
3 N	29 E	WM	21	SE SW	1.6
3 N	29 E	WM	21	NW SE	24.9
3 N	29 E	WM	21	SW SE	9.8
3 N	29 E	WM	21	SE SE	2.0

5. Notice of the application for temporary transfer was published on May 30, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments 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. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(6) if the Department later finds that the transfer is causing injury to any existing water right.
10. On June 21, 2006, Bill Porfily, agent for the applicant, indicated via an email that the supplemental irrigation associated with these lands under Permit S-53733 will remain unexercised during the term of this temporary transfer.

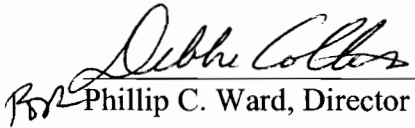
Conclusions of Law

The temporary change in place of use proposed in application T-10164 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-10164 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2006 and 2007 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2007 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 81319 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.
6. 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 81319.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificate 81319 shall continue to be in accordance with the terms and conditions of Certificate 81319.

Dated at Salem, Oregon this 14th day of July 2006.


Phillip C. Ward, Director

JUL 21 2006

Mailing Date: _____