BEFORE THE WATER RESOURCES DEPARTMENT

OF THE

STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-12629, Umatilla County)	TEMPORARY CHANGES IN PLACE
)	OF USE

Authority

Oregon Revised Statute (ORS) 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 authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

YOUTH STIMULUS PACKAGE, LLC. 3825 SW COURT PASCO, WA 99301

Findings of Fact

- 1. On April 3, 2017, Randy Harvey, of Youth Stimulus Package, LLC, filed an application to temporarily change the place of use under Certificates 32595, 13127 and 13178 for a period of five years. The Department assigned the application number T-12629.
- 2. Notice of the application for transfer was published on April 11, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. The portion of the first right to be temporarily transferred is as follows:

Certificate:

32595 in the name of LEON HUBER (perfected under Permit G-2262)

Use:

IRRIGATION OF 3.31 ACRES

Priority Date: December 5, 1962

Rate:

0.04 cubic foot per second (cfs)

Quantity/Limit: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to

This is a final 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 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.

exceed 41/2 ACRE-FEET per acre for each acre irrigated during the

irrigation season of each year

Source:

A WELL, within the WALLA WALLA RIVER basin

Authorized Point of Appropriation:

Гwр	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	36 E	WM	26	SW NE	NORTH 10 DEGREES 8 MINUTES 10 SECONDS EAST 898.9 FEET FROM THE CENTER OF SECTION 26

Authorized Place of Use:

IRRIGATION (IR)						
Twp Rng Mer Sec Q-Q Acres						
5 N	36 E	WM	26	SW NE	3.31	

4. Temporary Transfer Application T-12629 proposes to temporarily change the place of use of the right elsewhere in the quarter quarter to:

IRRIGATION (IR)						
Twp Rng Mer Sec Q-Q Acres						
5 N	36 E	WM	26	SW NE	3.31	

5. The portion of the second right to be temporarily transferred is as follows:

Certificate:

13127 in the name of H. POULSEN (confirmed by Walla Walla River

Decree)

Use:

IRRIGATION OF 4.33 ACRES

Priority Date:

1894 for 2.33 acres and 1907 for 2.0 acres

Rate/Limit:

The amount of water to which said right is entitled, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE AND ONE-HALF MINER'S INCHES per acre measured at the point of

diversion

Source:

SOUTH FORK WALLA WALLA RIVER, tributary to WALLA WALLA

RIVER

Authorized Point of Diversion (per final order approving transfer H-132// Sp. Vol.12, Pg 162):

Twp	Rng	Mer	Sec	Q - Q	Measured Distances	
5 N	36 E	WM	26	SW NE	NORTH 67 DEGREES 9 MINUTES 10 SECONDS EAST 1014.7 FEET FROM THE CENTER OF SECTION 26	

Authorized Place of Use:

IRRIGATION (IR)							
Twp Rng Mer Sec Q-Q Acres							
5 N	36 E	WM	26	SW NE	4.33		

6. Temporary Transfer Application T-12629 proposes to temporarily change the place of use of the right to:

IRRIGATION (IR) - Priority 1894								
Twp	Rng	Mer	Sec	Q-Q	Acres			
5 N	36 E	WM	26	NW NE	0.93			
5 N	36 E	WM	26	SW NE	1.40			
			TO	TAL:	2.33			

	IRRIGATION (IR) - Priority 1907							
Twp_	Twp Rng Mer Sec Q-Q Acres							
5 N	36 E	WM	26	SW NE	2.00			
	TOTAL:							

7. The portion of the third right to be temporarily transferred is as follows:

Certificate: 13178 in the name of THOMAS H. RUHBERG (confirmed by Walla

Walla River Decree)

Use: IRRIGATION of 0.35 ACRES

Priority Date: 1902

Limit/Duty: The amount of water to which said right is entitled, is limited to an amount

actually beneficially used for said purposes, and shall not exceed ONE and

ONE-HALF MINER'S INCHES per acre measured at the point of

diversion.

Source: SOUTH FORK OF WALLA WALLA RIVER, tributary to the WALLA

WALLA RIVER

Authorized Place of Use:

	IRRIGATION (IR)								
Twp Rng Mer Sec Q-Q Acre									
5 N	36 E	WM	26	NW NE	0.35				

8. Temporary Transfer Application T-12629 proposes to temporarily change the place of use of the right to:

IRRIGATION (IR)									
Twp	Twp Rng Mer Sec Q-Q Acres								
5 N	36 E	WM	26	NW NE	0.35				
	TOTAL: 0.35								

Temporary Transfer Review Criteria

- 9. Water has been used within the last within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 10. A diversion structure, ditches and a well sufficient to use the full amount of water allowed under the existing rights are present.

11. The proposed changes will 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(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use proposed in application Temporary Transfer Application T-12629 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- 1. The temporary changes in place of use proposed in Temporary Transfer Application T-12629 are approved.
- 2. The former place of use **shall not** be irrigated as part of this water right during the 2017, 2018, 2019, 2020 and 2021 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
- 4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
- 5. A subsequent application for permanent transfer of Certificates 32595, 13127 and 13178 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 Certificates 32595, 13127 and 13178.
- 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 rights described by Certificates 32595, 13127 and 13178 shall continue to be in accordance with the terms and conditions of Certificates 32595, 13127 and 13178.

Dated at Salem, Oregon this 22 day of June, 2017.

Dwight French, Water Right Services Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

Mailing Date: _____JUN 2 8 2017