BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	
T-7595, Umatilla County)	FINAL ORDER
)	

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

Jeff S. and Brenda R. Webb 2050 NW Geer Road Hermiston, Oregon 97838

Findings of Fact

- Jeff S. and Brenda R. Webb filed an application to transfer a portion of the place of use under Certificate 38385. The Department assigned the application number T-7595.
- The portion of the right to be transferred is as follows:

Certificate:

38385 in the name of Harold M. Templeton

Use:

Irrigation

Priority Date: April 12, 1965

Quantity:

0.01 cubic foot per second

Rate/Duty:

1/80 cfs per acre, not to exceed 2.5 acre-feet per acre

Acres:

1.0 acre

Source:

A well in the Umatilla River Basin

Authorized Point of Appropriation:

Tow	Township		nge	Meridian	Sec	1/4 1/4	Lot	DLC	Survey Coordinates
4	N	28	E	W.M.	3	SW NE			370 feet South and 140 feet East from the NW Corner of the SW¼ NE¼ of Section 3.

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Place of Use:

Tow	nship	Range		Meridian Sec		1/4 1/4		Lot	DLC	Acres
4	N	28	Е	W.M.	3	SW	NE			1.0

3. Application T-7595 proposes to change the place of use of the right to:

Town	nship	Range		Meridian	Sec	1/4 1/4		Lot	DLC	Acres
4	N	28	Е	W.M.	3	SW	NE			1.0

- 4. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 5. 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.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change place of use proposed in application T-7595 is consistent with the requirements of ORS 537.705 and 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-7595 is approved.
- 2. Water right certificate 38385 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
- The right to 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 38385 and any
 related decree.
- 4. The proposed change shall be completed on or before October 1, 2006.
- 5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
- 6. The former place of use shall no longer be irrigated as part of this water right.

	7.	When satisfactory right transferred v	-		-	d change is rec	ceived a n	new certif	icate confirm	ing the
	Dat	ted at Salem, Orego	on this	_20	day of	OctoBER	-	_, 2004.		
150-	<i></i>	Ilip C. Ward ting Director			-					
	Ма	iiling Date:	NOV	0 5	2004					