

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-10625, Wasco County) **TEMPORARY CHANGES IN PLACE**
) **OF USE AND POINTS OF DIVERSION**

Authority

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 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

PAUL AND DIXIE SCHANNO
82163 DUFUR VALLEY RD.
DUFUR, OR 97021-3142

Agent

TENNESON ENGINEERING CORP.
Attn – LARRY TOLL
409 LINCOLN ST.
THE DALLES, OR 97058

Findings of Fact

1. On May 8, 2008, Paul and Dixie Schanno filed an application to temporarily change the place of use and point of diversion under Certificates 48907 and 48992 for a period of three years. The Department assigned the application number T-10625.
2. The portion of the first right to be transferred is as follows:

Certificate: 48907 in the name of PAUL SCHANNO (confirmed by Fifteen Mile Creek Decree)

Use: IRRIGATION of 32.2 ACRES

Priority Date: MARCH 4, 1861

Duty: not to exceed 3.0 acre-feet per acre during the irrigation season of each year

Source: FIFTEENMILE CREEK, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	13 E	WM	32	NE SE	2290 FEET SOUTH AND 1300 FEET WEST FROM THE NE CORNER OF THE SENE OF SECTION 32

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.

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	13 E	WM	32	NW SE	11.5
1 S	13 E	WM	32	SW SE	20.7

3. Transfer Application T-10625 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	13 E	WM	33	NE SW	4	6.8
1 S	13 E	WM	33	NW SW		20.3
1 S	13 E	WM	33	SW SW		5.1

4. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Transfer Application T-10625 proposes to move the authorized point of diversion approximately 1700 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	13 E	WM	33	NW SW	1990 FEET SOUTH AND 410 FEET EAST FROM THE NW CORNER OF THE SWNW OF SECTION 33

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

Certificate: 48992 in the name of PAUL SCHANNO (perfected under Permit S-36683)

Use: IRRIGATION of 32.2 ACRES

Priority Date: FEBRUARY 16, 1972

Rate: 0.40 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre during the irrigation season of each year

Source: FIFTEENMILE CREEK, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	13 E	WM	33	NW SW	1990 FEET SOUTH AND 410 FEET EAST FROM THE NW CORNER OF THE SWNW OF SECTION 33

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	13 E	WM	33	NE SW	4	6.8
1 S	13 E	WM	33	NW SW		20.3
1 S	13 E	WM	33	SW SW		5.1

6. Transfer Application T-10625 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	13 E	WM	32	NW SE	11.5
1 S	13 E	WM	32	SW SE	20.7

7. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Application T-10625 proposes to move the authorized point of diversion approximately 1700 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
1 S	13 E	WM	32	NE SE	2290 FEET SOUTH AND 1300 FEET WEST FROM THE NE CORNER OF THE SENE OF SECTION 32

8. Notice of the application for temporary transfer was published on May 20, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the file that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed change would not result in enlargement of the rights.
12. 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.

Conclusions of Law

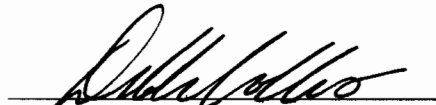
The temporary changes in place of use and points of diversion as proposed in Transfer Application T-10625 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use and points of diversion proposed in Transfer Application T-10625 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2008, 2009 and 2010 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2010 irrigation season. The authorization to use the changed points of diversion shall be terminated concurrently.

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 Certificates 48907 and 48992 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 48907 and 48992.
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. 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.
9. The use of the remaining water rights described by Certificates 48907 and 48992 shall continue to be in accordance with the terms and conditions of Certificates 48907 and 48992.

Dated at Salem, Oregon this 23rd day of June, 2008.


Phillip C. Ward, Director

Mailing Date: JUN 26 2008