BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-7483, Umatilla County, Oregon	í	CHANGE IN POINT OF DIVERSION,
1-7465, Omanna County, Oregon	,	CHANGE IN FORM OF DIVERSION,
)	PLACE OF USE, AND CHARACTER
)	OF USE

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the POINT OF DIVERSION AND 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

Ellen A. Camp, TRT-TPP-4 Bonneville Power Administration Real Property Services P.O. Box 61409 Vancouver, WA 98666-1409

Findings of Fact

- 1. Bonneville Power Administration filed an application to transfer the point of diversion and change the character of use under Water Right Certificates 12630 and 13314. The Department received the transfer application on January 26, 1996, and assigned the application number T-7483.
- 2. The portion of the FIRST right to be transferred is as follows:

Certificate: 12630, in the name of A. L. Demaris

Use: Irrigation

Priority Date: 1883 for 4.0 acres and 1893 for 1.2 acres

Rate/Duty: One and One-Half Miner's Inches

Acres: 5.3

Source: South Fork Walla Walla River, tributary to Walla Walla 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 Point of Diversion:

1	Township Range		_	Meridian	Sec	1/4	1/4	Lot	DLC	Location
4	N	37	Е	W.M.	5	NE	SE			

Authorized Place of Use:

Tow	Township Range		Meridian	Sec	1/4	1/4	Lot	Priority Date	Acres	
4	N	37	Е	W.M.	5	NE	NW	3	1883	4.0
4	N	37	Е	W.M.	5	NE	NW	3	1893	1.2

3. The portion of the SECOND right to be transferred is as follows:

Certificate:

13314, the name of Otto Zimmerman

Use:

Irrigation

Priority Date: 1880

One and One-Half Miner's Inches

Rate/Duty: Acres:

3.30

Source:

South Fork Walla Walla River, tributary to Walla Walla River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	1/4	1/4 1/4		DLC	Location
4_ N		37	Е	W.M.	5	NE	NW			

Authorized Place of Use:

Towi	Township Range		0	Meridian	Sec	1/4	1/4	Lot	Priority Date	Acres
5	N	37	E W.M. 32 SW SW			1880	3.3			

4. Application T-7483 proposes to move the authorized point of diversion for both of the above described rights to approximately 2200 feet downstream (furthest POD = C# 12630) in the South Fork Walla Walla River to a point located:

Towi	nship Range		Range Mer		Sec	1/4	1/4 1/4 Lo		DLC	Location
4_	N	37	Е	W.M.	5	NE	NW			162' South and 837' East from the SW Corner, Section 32, T 5 N, R 37 E

5. Application T-7483 proposes to change the place of use and character of use to Fish Hatchery use located:

Tow	nship	Range		, ,				1/4	Lot	DLC	Location
4	N	37	Е	W.M.	5	NE	NW	3		Hatchery	
5	N	37	Е	W.M.	32	SW	SW			Hatchery	

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.

- 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 proposed change would not result in injury to other water rights.

Conclusions of Law

The proposed changes in points of diversion and character of use in application T-7483 are 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 changes in point of diversion, place of use, and character of use proposed in application T-7483 are approved.
- 2. Water right certificates 12630 and 13314 are cancelled. A new certificate will be issued describing that portion of certificate 12630 not involved in this transfer. A new certificate describing that portion of certificate 13314 not involved in this transfer and in transfer T-9794 will be issued with the final order for T-9794.
- 3. The right to the 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 Certificates 12630 and 13314 and any related decree.
- 4. The proposed changes 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 quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
- 7. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

- 8. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.
- 9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28 day of January, 2005.

Phillip C. Ward

Director

Mailing date: FEB 0 1 2005