

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-12054, Wallowa County)	TEMPORARY CHANGE 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

TERRA RENOVATIO I LLC
67357 PROMISE RD
WALLOWA, OR 97885

Findings of Fact

1. On May 7, 2015, TERRA RENOVATIO 1 LLC filed an application to temporarily change the place of use under Certificate 79795 for a period of five (5) years. The Department assigned the application number T-12054.
2. Notice of the application for transfer was published on May 12, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 18, 19, and 20, 2015, the Department contacted the applicant, different individuals, by telephone and email to inform them of deficiencies in the application. The deficiencies being: 1) Form D from the Lower Valley Ditch is required, 2) clarification of authority for signers of the application and 3) clarification of the location of the point of diversion. On May 20, and 26, 2015, the applicant submitted information and the required form resolving the deficiencies.

<p>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.</p>

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

Certificate: 79795 in the name of WILLIAM M. AND MARIE DOUGHERTY
(perfected under Permit S-29810)
Use: IRRIGATION of 13.2 ACRES
Priority Date: JUNE 29, 1964
Rate: 0.23 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre, or the equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: WALLOWA RIVER a tributary of the GRANDE RONDE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	42 E	WM	11	SW NW	1800 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	11	SE NW	13.2

5. Temporary Transfer Application T-12054 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	42 E	WM	2	SE SW	2.8
1 N	42 E	WM	3	NE SE	10.4

6. Temporary Transfer Application T-12054 proposes to temporarily transfer a water right within the boundaries of Lower Valley Ditch District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.

Temporary Transfer Review Criteria

7. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence 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. 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

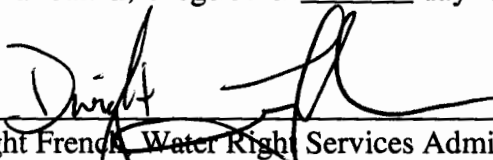
The temporary change in place of use proposed in Temporary Transfer Application T-12054 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-12054 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2015, 2016, 2017, 2018, and 2019 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2019 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 79795 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 79795.
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 water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.

10. The use of the remaining water right described by Certificate 79795 shall continue to be in accordance with the terms and conditions of Certificate 79795.

Dated at Salem, Oregon this 11 day of June, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JUN 18 2015