

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11806, Union County	)	TEMPORARY CHANGES IN PLACE
	)	OF USE AND POINT OF
	)	APPROPRIATION

**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 appropriation 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**

THREEMILE CANYON FARMS LLC  
75906 THREEMILE RD  
BOARDMAN, OR 97818

**Findings of Fact**

1. On May 5, 2014, THREEMILE CANYON FARMS LLC filed an application to temporarily change the place of use and point of appropriation to serve the proposed place of use under Certificate 89059 for a period of FIVE years. The Department assigned the application number T-11806.
2. Notice of the application for transfer was published on May 13, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:  
**Certificate:** 89059 in the name of R. D. OFFUTT COMPANY-NORTHWEST AND NEIL AND JEAN COOPER (perfected under Permit G-13820)  
**Use:** IRRIGATION of 49.8 ACRES  
**Priority Date:** JULY 16, 1997  
**Rate:** 0.62 CUBIC FOOT PER SECOND

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.

**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** MAY 1 THROUGH OCTOBER 15

**Source:** A WELL in the GRANDE RONDE RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	38 E	WM	13	SW SW	PIERCE ROAD WELL: 1280 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 13

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	13	NE SW	13.5
3 S	38 E	WM	13	NW SW	16.1
3 S	38 E	WM	13	SE SW	5.8
3 S	38 E	WM	14	NE SE	7.2
3 S	38 E	WM	14	NW SE	7.2
Total:					49.8

4. Temporary Transfer Application T-11806 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	17	SW SW	4.5
3 S	39 E	WM	18	SE SE	3.8
3 S	39 E	WM	20	NE NW	3.5
3 S	39 E	WM	20	NW NW	38.0
Total:					49.8

5. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11806 proposes to move the authorized point of appropriation approximately 1.8 miles southeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	39 E	WM	19	SW NE	RAYBURN WELL: 1380 FEET SOUTH AND 1300 FEET EAST FROM THE N1/4 CORNER OF SECTION 19

6. Certificate 87023 is appurtenant to some of the land to which Temporary Transfer Application T-11806 is proposed to be used. However that portion of the land has been moved elsewhere by a Final Order dated April 8, 2013, Special Order Volume 89, Page 378, through the 2017 irrigation season via Temporary Transfer Application T-11537. The

applicant has agreed that Certificate 87023 will not be exercised on the appurtenant land during the term of this temporary transfer.

7. Certificates 81632 and 87425 are appurtenant to some of the land to which Temporary Transfer Application T-11806 is proposed to be used. The applicant and owner of the certificates have agreed that Certificates 81632 and 87425 will not be exercised on the appurtenant land during the term of this temporary transfer.

### ***Temporary Transfer Review Criteria***

8. 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.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
10. The proposed changes, as conditioned, would not result in enlargement of the right.
11. The proposed changes 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 changes in place of use and point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-11806 are 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 and point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-11806 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2014, 2015, 2016, 2017 and 2018 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2018 irrigation season. The authorization to use the temporary point of appropriation shall be terminated concurrently.
4. The water rights evidenced by Certificates 87023, 81632 and 87425, appurtenant to the proposed place of use, shall not be used during the term of this temporary transfer.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.

6. A subsequent application for permanent transfer of Certificate 89059 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.
7. 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 89059.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by Certificate 89059 shall continue to be in accordance with the terms and conditions of Certificate 89059.

Dated at Salem, Oregon this 25 day of August, 2014.

  
\_\_\_\_\_  
Dwight French  
Water Right Services Administrator, for  
Director  
Oregon Water Resources Department

Mailing Date: AUG 28 2014