

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-9893, Umatilla County) **CHANGE IN PLACE OF USE**

ORS 537.705 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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

DAVID CORREA
31777 ANDREWS ROAD
ECHO, OREGON 97826

Findings of Fact

1. On March 18, 2005, David Correa filed a transfer application to change the place of use under Certificate 76930. The Department assigned the application number T-9893.
2. The portion of the right to be transferred is as follows:
Certificate: 76930, in the name of COURTNEY IRRIGATION COMPANY (confirmed by the Umatilla River Decree)
Use: IRRIGATION of 62.0 ACRES
Priority Date: JANUARY 9, 1900
Rate: 0.78 CUBIC FOOT PER SECOND (cfs)
Duty: ONE-EIGHTIETH of one cubic foot per second (cfs) from MARCH 1 to NOVEMBER 1 and subject to the limitations of paragraph 32 of the Umatilla River Decree for each acre irrigated during the irrigation season of each year
Source: UMATILLA RIVER, a tributary of the COLUMBIA 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:

Twp	Rng	Mer	Sec	¼	¼	Survey Coordinates
3 N	29 E	W.M.	21	SW	NE	North 76 Degrees 45 Minutes 56 Seconds East 2913.19 feet from the West ¼ corner of Section 21

Authorized Place of Use:

Twp	Rng	Mer	Sec	¼	¼	Acres
3N	28E	WM	12	NE	SE	26.0
3N	28E	WM	12	NW	SE	20.0
3N	28E	WM	12	SW	SE	15.0
3N	28E	WM	12	SE	SE	1.0
TOTAL:						62.0

3. Application T-9893 proposes to change the place of use to the following location:

Twp	Rng	Mer	Sec	¼	¼	Acres
3N	28E	WM	12	NW	SE	31.0
3N	28E	WM	12	SW	SE	31.0
TOTAL:						62.0

4. Notice of the application for transfer was published on March 29, 2005, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
5. Water was used within the five years prior to submittal of Transfer Application T-9893 according to the terms and conditions of the right. No evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. An irrigation district canal, pump, pipeline and sprinkler system sufficient to use the full amount of water allowed under the existing right are present and have been used within the last five years at the place of use authorized under Certificate 76930.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water right.
9. On July 28, 2006, the Department issued a Preliminary Determination proposing to approve Transfer Application T-9893 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on August 8, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No protests were filed in response to the notice.


Conclusions of Law

The change in place of use proposed in Transfer Application T-9893 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-9893 is approved.
2. 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 Certificate 76930 and Paragraph 32 of the Umatilla River decree.
3. Water right Certificate 76930 is cancelled. A new certificate will be issued describing the portion of the right not involved in this transfer.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. 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.
6. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 20th day of September, 2006.



Phillip C. Ward, Director

Mailing date: SEP 25 2006