

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
 T-9910, Umatilla County) CHANGE IN POINT OF
) APPROPRIATION

ORS 537.705 and ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of appropriation, 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

KARLA JOHNSON
 PO BOX 1444
 HERMISTON, OR 97838

Findings of Fact

1. On April 8, 2005, Karla Johnson filed a transfer application to change the point of appropriation under Certificates 80502 and 80514. The Department assigned the application number T-9910.

2. The portion of the first right to be transferred is as follows:

Certificate: 80502 in the name of GEORGE C. AND DONNA J. SUTTON (perfected under Permit G-7357)

Use: IRRIGATION of 1.0 ACRE

Priority Date: JUNE 2, 1977

Rate: 0.013 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 acre feet per acre irrigated during the irrigation season of each year

Source: A WELL within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	29 E	WM	31	S1/2 NW SW	1500 FEET NORTH AND 200 FEET EAST FROM THE SW CORNER OF SECTION 31

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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 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 Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	31	NW SW	1.0

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

Certificate: 80514 in the name of GEORGE C. & DONNA J. SUTTON (perfected under Permit G-7357)

Use: IRRIGATION of 3.1 ACRES

Priority Date: JUNE 2, 1977

Rate: 0.036 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 acre feet per acre irrigated during the irrigation season of each year

Source: A WELL within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	29 E	WM	31	S1/2 NW SW	1500 FEET NORTH AND 200 FEET EAST FROM THE SW CORNER OF SECTION 31

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	31	NW SW	3.1

4. Transfer Application T-9910 proposes to move the authorized point of appropriation for the above described rights approximately 700 feet in a northeasterly direction from the authorized point of appropriation to a well located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	29 E	WM	31	NW SW	680 FEET SOUTH AND 740 FEET EAST FROM THE W¼ CORNER OF SECTION 31

5. On August 8, 2006, the Department issued a Preliminary Determination proposing to approve Transfer Application T-9910 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the Transfer Application was published on the Department's weekly notice on August 15, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the Department's weekly notice.
6. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
8. The proposed change would not result in enlargement of the rights.
9. The proposed change would not result in injury to other water rights.


Conclusions of Law

The proposed change in the point of appropriation proposed in application T-9910 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. 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 80502, 80514, and any related decree.
2. Upon issuance of this Final Order approving Transfer Application T-9910 water right Certificates 80520 and 80514 will be cancelled. New certificates will be issued describing the portions of the rights not involved in this transfer.
3. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008. 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.
4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. 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.
6. When satisfactory proof of the completed change is received new certificates confirming the rights transferred will be issued.

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


Phillip C. Ward, Director

Mailing date: SEP 25 2006