

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

In the Matter of Transfer Application) FINAL ORDER
T-12507, Umatilla County) APPROVING A CHANGE IN PLACE
) OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

J. G. SIMPSON INC.
68732 MILL RD
PENDLETON, OR 97801
jgsimpsoninc@gmail.com

Findings of Fact

1. On October 17, 2016, J. G. SIMPSON INC. filed an application to change the place of use under Certificate 55727. The Department assigned the application number T-12507.
2. Notice of the application for transfer was published on October 25, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 3, 2017, the applicant submitted an amended transfer application.
4. On January 19, 2017, the Watermaster submitted an email approving the amended transfer application.
5. On January 20, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12507 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 20, 2017, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

6. On February 14, 2017, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12507 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on February 21, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 55727 in the name of SIMPSON BROS. (perfected under Permit G-8471)

Use: IRRIGATION of 113.9 ACRES

Priority Date: DECEMBER 15, 1978

Rate: 1.31 CUBIC FEET 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the BIRCH CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	32 E	WM	30	SW NE	1850 FEET SOUTH AND 2150 FEET WEST FROM THE NE CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	32 E	WM	30	NE NE	33.1
1 N	32 E	WM	30	NW NE	29.8
1 N	32 E	WM	30	SW NE	7.6
1 N	32 E	WM	30	SE NE	0.7
1 N	32 E	WM	30	NE NW	22.4
1 N	32 E	WM	30	NW NW	3.7
1 N	32 E	WM	30	SW NW	2.0
1 N	32 E	WM	30	SE NW	14.6
Total					113.9

8. Transfer Application T-12507 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	32 E	WM	30	NE NE	28.5
1 N	32 E	WM	30	NW NE	32.5
1 N	32 E	WM	30	SW NE	7.5
1 N	32 E	WM	30	NE NW	25.6
1 N	32 E	WM	30	NW NW	4.9
1 N	32 E	WM	30	SW NW	2.0
1 N	32 E	WM	30	SE NW	12.9
Total					113.9

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12507.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

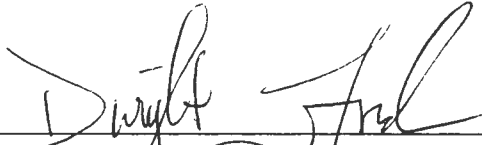
The change in place of use proposed in Transfer Application T-12507 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-12507 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 55727 and any related decree.
3. Water right Certificate 55727 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 27 day of March, 2017.



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

Mailing date: MAR 29 2017