

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING AN  
T-10026, Union County                            )     ADDITIONAL POINT OF  
  )     APPROPRIATION, CHANGE IN  
  )     CHARACTER OF USE, AND  
  )     CANCELLATION OF WATER RIGHTS

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

LANE FARMS, INC.  
ROB LANE  
60215 PEACH ROAD  
LAGRANDE OR 97850

**Findings of Fact**

1. Lane Farms, Inc. filed an application to add an additional point of appropriation and change the character of use under Certificate 42441. The Department assigned the application number T-10026.
2. The right to be transferred is as follows:  
**Certificate:** 42441 in the name of ANDREWS & SONS RANCHES (perfected under Permit G-3470)  
**Use:** IRRIGATION of 16.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 965.7 ACRES  
**Priority Date:** AUGUST 23, 1967  
**Rate:** 5.00 CUBIC FEET PER SECOND  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year  
**Source:** A WELL, IN THE CATHERINE CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	39 E	WM	21	NE NW	10 FEET SOUTH & 1390 FEET EAST FROM THE NW CORNER OF SECTION 21

**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:**

<b>IRRIGATION</b>					
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
3 S	39 E	WM	21	SE SW	0.50
3 S	39 E	WM	21	NE SE	1.30
3 S	39 E	WM	21	SW SE	2.70
3 S	39 E	WM	21	SE SE	2.30
3 S	39 E	WM	22	NW NW	3.50
3 S	39 E	WM	22	SW NW	4.00
3 S	39 E	WM	22	NW SW	2.60

<b>SUPPLEMENTAL IRRIGATION</b>					
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
3 S	39 E	WM	16	NE SW	39.50
3 S	39 E	WM	16	NW SW	40.00
3 S	39 E	WM	16	SW SW	40.00
3 S	39 E	WM	16	SE SW	40.00
3 S	39 E	WM	17	NE SE	39.00
3 S	39 E	WM	17	NW SE	40.00
3 S	39 E	WM	17	SW SE	40.00
3 S	39 E	WM	17	SE SE	40.00
3 S	39 E	WM	21	NE NE	40.00
3 S	39 E	WM	21	NW NE	40.00
3 S	39 E	WM	21	SW NE	40.00
3 S	39 E	WM	21	SE NE	40.00
3 S	39 E	WM	21	NE NW	40.00
3 S	39 E	WM	21	NW NW	39.00
3 S	39 E	WM	21	SW NW	39.00
3 S	39 E	WM	21	SE NW	40.00
3 S	39 E	WM	21	NE SW	40.00
3 S	39 E	WM	21	NW SW	40.00
3 S	39 E	WM	21	SW SW	38.00
3 S	39 E	WM	21	SE SW	35.80
3 S	39 E	WM	21	NE SE	38.40
3 S	39 E	WM	21	NW SE	40.00
3 S	39 E	WM	21	SW SE	30.20
3 S	39 E	WM	21	SE SE	2.40
3 S	39 E	WM	22	NW NW	34.50
3 S	39 E	WM	22	SW NW	26.60
3 S	39 E	WM	22	NW SW	3.30

3. Application T-10026 proposes to add an authorized point of appropriation approximately three eighths of a mile east of the existing point of appropriation:

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
3	S	39	E	W.M.	21	NW	NE	LAT 45.29711 degrees North, LONG 117.93967 degrees West

4. An affidavit for cancellation of a water right was received from Rob Lane as follows:

**Certificate:** 28028 in the name of FRANK LEROUX INC. (perfected under Permit S-19920)

**Use:** IRRIGATION of 376.20 ACRES and SUPPLEMENTAL IRRIGATION OF 271.0 ACRES

**Priority Date:** FEBRUARY 20, 1950

**Rate:** 8.0 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

**Source:** CATHERINE CREEK, A TRIBUTARY OF THE GRANDE RONDE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	39 E	WM	21	SE SE	Not Stated in Certificate

**Authorized Place of Use to be Cancelled:**

**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	21	NE NW	40.00
3 S	39 E	WM	21	NW NW	39.00
3 S	39 E	WM	21	SW NW	39.00
3 S	39 E	WM	21	SE NW	40.00
3 S	39 E	WM	21	NE SW	40.00
3 S	39 E	WM	21	NW SW	40.00
3 S	39 E	WM	21	SW SW	38.00
3 S	39 E	WM	21	SE SW	35.80
3 S	39 E	WM	22	NW NW	34.50
3 S	39 E	WM	22	SW NW	26.60
3 S	39 E	WM	22	NW SW	3.30

**SUPPLEMENTAL IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	21	NE NE	40.00
3 S	39 E	WM	21	NW NE	40.00
3 S	39 E	WM	21	SW NE	40.00
3 S	39 E	WM	21	SE NE	40.00
3 S	39 E	WM	21	NE SE	38.40
3 S	39 E	WM	21	NW SE	40.00
3 S	39 E	WM	21	SW SE	30.20
3 S	39 E	WM	21	SE SE	2.40

5. An affidavit for partial cancellation of Certificate 79199 was received from Rob Lane as follows:

**Certificate:** 79199 in the name of GRANDE RONDE VALLEY IRRIGATION COMPANY (perfected under Permit 1248)

**Use:** IRRIGATION of 638.2 ACRES

**Priority Date:** MARCH 9, 1912

**Rate:** 8.28 CUBIC FEET PER SECOND

**Limit/Duty:** Not Stated in Certificate

**Source:** GRANDE RONDE RIVER, A TRIBUTARY OF THE COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	32	SW SE	640 FEET NORTH & 190 FEET EAST FROM S1/4 CORNER, SECTION 32

**Authorized Place of Use to be Cancelled:**

**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	16	NE SW	40.00
3 S	39 E	WM	16	NW SW	40.00
3 S	39 E	WM	16	SW SW	40.00
3 S	39 E	WM	16	SE SW	40.00
3 S	39 E	WM	17	NE SE	40.00
3 S	39 E	WM	17	NW SE	39.10
3 S	39 E	WM	17	SW SE	39.10
3 S	39 E	WM	17	SE SE	40.00
3 S	39 E	WM	21	NE NE	40.00
3 S	39 E	WM	21	NW NE	40.00
3 S	39 E	WM	21	SW NE	40.00
3 S	39 E	WM	21	SE NE	40.00
3 S	39 E	WM	21	NE SE	40.00
3 S	39 E	WM	21	NW SE	40.00
3 S	39 E	WM	21	SW SE	40.00
3 S	39 E	WM	21	SE SE	40.00

- An affidavit for cancellation of an entire water right was received from Steve McClure, Colleen MacLeod and John Lamoreau, the presiding elected Commission Members of Union County, for lands within county road easements described as follows:

**Certificate:** 72439 in the name of GRANDE RONDE VALLEY IRRIGATION CO.

**Use:** IRRIGATION of 8.10 ACRES

**Priority Date:** MARCH 9, 1912

**Rate:** 0.10 CUBIC FOOT PER SECOND

**Source:** GRANDE RONDE RIVER, tributary to SNAKE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q
3 S	38 E	WM	5	NE NE

**Authorized Place of Use to be Cancelled:**

**IRRIGATION**

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	17	NW SE	0.90
3 S	39 E	WM	17	SW SE	0.90
3 S	39 E	WM	20	NW NE	0.90
3 S	39 E	WM	20	SW NE	0.90
3 S	39 E	WM	20	NE NW	0.90
3 S	39 E	WM	20	NW SE	0.90

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
3 S	39 E	WM	20	SW SE	1.80
3 S	39 E	WM	20	SE SE	0.90

7. Application T-10026 proposes to change the character of use of the following 965.7 acres of supplemental irrigation to primary irrigation, concurrent with cancellation of the primary right appurtenant to the land as per OAR 690-380-2320:

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
3 S	39 E	WM	16	NE SW	39.50
3 S	39 E	WM	16	NW SW	40.00
3 S	39 E	WM	16	SW SW	40.00
3 S	39 E	WM	16	SE SW	40.00
3 S	39 E	WM	17	NE SE	39.00
3 S	39 E	WM	17	NW SE	40.00
3 S	39 E	WM	17	SW SE	40.00
3 S	39 E	WM	17	SE SE	40.00
3 S	39 E	WM	21	NE NE	40.00
3 S	39 E	WM	21	NW NE	40.00
3 S	39 E	WM	21	SW NE	40.00
3 S	39 E	WM	21	SE NE	40.00
3 S	39 E	WM	21	NE NW	40.00
3 S	39 E	WM	21	NW NW	39.00
3 S	39 E	WM	21	SW NW	39.00
3 S	39 E	WM	21	SE NW	40.00
3 S	39 E	WM	21	NE SW	40.00
3 S	39 E	WM	21	NW SW	40.00
3 S	39 E	WM	21	SW SW	38.00
3 S	39 E	WM	21	SE SW	35.80
3 S	39 E	WM	21	NE SE	38.40
3 S	39 E	WM	21	NW SE	40.00
3 S	39 E	WM	21	SW SE	30.20
3 S	39 E	WM	21	SE SE	2.40
3 S	39 E	WM	22	NW NW	34.50
3 S	39 E	WM	22	SW NW	26.60
3 S	39 E	WM	22	NW SW	3.30

8. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right are 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 is present.
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.


## Conclusions of Law

The additional point of appropriation and character of use proposed in application T-10026, appear to be consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The changes proposed in T-10026 are approved.
2. Water right certificates 42441, 28028, 79199 and 72439 are cancelled.
3. The right to 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 42441 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. 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.
6. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
7. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. A new certificate will be issued for the portion of the right evidenced by Certificate 79199 not cancelled by this order.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 13<sup>th</sup> day of April 2006.

  
Phillip C. Ward, Director *PCW*

Mailing Date APR 19 2006