

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

In the Matter of Transfer Application) FINAL ORDER
T-10046, Union County) APPROVING A CHANGE IN
) CHARACTER OF USE AND PARTIAL
) CANCELLATION OF A WATER
) RIGHT

ORS 540.505 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

LA GRANDE COUNTRY CLUB
10605 S MCALISTER RD
ISLAND CITY OR 97850

Findings of Fact

1. On December 20, 2005, La Grande Country Club filed a transfer application to change the use under Certificate 34395. The Department assigned the application number T-10046.

2. The right to be transferred is as follows:

Certificate: 34395 in the name of LA GRANDE COUNTRY CLUB (perfected under Permit G-2969)

Use: IRRIGATION and SUPPLEMENTAL IRRIGATION of 64.70 ACRES

Priority Date: JULY 2, 1965

Rate: 0.81 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: A well in the Grande Ronde River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	38 E	WM	3	SW NE	2020 FEET SOUTH & 560 FEET EAST FROM N1/4 CORNER, SECTION 3

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	3	NW NE	2.00
3 S	38 E	WM	3	SW NE	37.80
3 S	38 E	WM	3	NW SE	24.90

- Application T-10046 proposes to change the character of use from Irrigation and Supplemental Irrigation to Primary Commercial use including the irrigation of a golf course
- Pursuant to OAR 690-380-2320, affidavits were received to cancel the underlying primary right which is described as follows:

Certificate: 6495 in the name of ANNA OLIVER (confirmed by Grande Ronde River decree)

Use: IRRIGATION of 67.0 ACRES

Priority Date: 1876 for 24.0 acres and 1908 for 43.0 acres

Rate: 1.67 CUBIC FEET PER SECOND

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

Source: GRANDE RONDE RIVER, tributary to SNAKE RIVER

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority
3 S	38 E	WM	3	NW NE	2.00	1876
3 S	38 E	WM	3	SW NE	22.00	1876
3 S	38 E	WM	3	SW NE	0.90	1908
3 S	38 E	WM	3	SW NE	17.10	1908
3 S	38 E	WM	3	NW SE	25.00	1908

- Certificate 6495 does not describe the location of the point of diversion for the right, however, the Department has determined that the location of the diversion point is as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	32	SW SE	MAY PARK WATER DITCH COMPANY

- Notice of the application for transfer was published on December 27, 2005 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- On July 24, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10046 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 1, 2006, and in The Observer on August 12, 19, and 26, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

8. 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 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 applicant agreed on July 20, 2006 to limit the rate of diversion to a maximum of 0.81 cubic foot per second and the total quantity of water diverted during the period of March 1 to October 31 of each year to 194.1 acre-feet. The proposed change, if so conditioned, would not result in enlargement of the right.
11. The proposed change, if conditioned as follows, would not result in injury to other water rights.

Conclusion of Law

The proposed change in use in application T-10046 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.


Pursuant to ORS 540.621 and OAR 690-380-2320, a portion of the water right evidenced by Certificate 6495 has been abandoned by the owner, and should be cancelled.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in application T-10046 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 34395 and any related decree.
3. Water right certificate 34395 is cancelled.
4. 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.
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. The quantity of water used for commercial use, including the irrigation of a golf course, under the right described by Certificate 34395 shall not exceed a rate of diversion of 0.81 cubic foot per second and a total quantity of water diverted of 194.1 acre-feet during the time period of March 1 to October 31 of each year.

7. The portion of Certificate 6495 identified in Finding of Fact #4 shall be cancelled.
8. A new certificate will be issued for the portion of the right evidenced by Certificate 6495 not cancelled by the order. This certificate will describe the point of diversion as state in Finding of Fact #5.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 13th day of October 2006.



Phillip C. Ward, Director *PCW*

Mailing date: OCT 20 2006