

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING A**
T-12648, Umatilla County) **TEMPORARY CHANGE IN PLACE OF USE**

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

NEW FOOTHILLS PROPERTIES
c/o JAY BALES, MANAGER
PO BOX 189
ECHO, OR 97826

Findings of Fact

1. On April 20, 2017, NEW FOOTHILLS PROPERTIES c/o JAY BALES, MANAGER, filed an application to temporarily change the place of use under Certificate 81319 for a period of five years. The Department assigned the application number T-12648.
2. Notice of the application for transfer was published on April 25, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 22, 2017 the Department notified Stanfield Irrigation District regarding Temporary Transfer T-12648. No comments were filed by the district.
4. The portion of the right to be transferred is as follows:

Certificate: 81319 in the name of RON L. HOLEMAN (perfected under Permit G-8369)
Use: IRRIGATION of 71.4 ACRES
Priority Date: OCTOBER 20, 1978
Rate: 0.89 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0

This is a final 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 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.

acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: 2 WELLS within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SE SE	WELL 1 - 720 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21
3 N	29 E	WM	21	SE SE	WELL 2 - 370 FEET NORTH AND 530 FEET WEST FROM THE SE CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.6
3 N	29 E	WM	21	SE SW	4.8
3 N	29 E	WM	21	NW SE	18.8
3 N	29 E	WM	21	SW SE	38.5
3 N	29 E	WM	21	SE SE	7.2
3 N	29 E	WM	28	NW NE	1.5
Total Acres					71.4

5. Temporary Transfer Application T-12648 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	21	NE SW	0.4
3 N	29 E	WM	21	SE SW	2.1
3 N	29 E	WM	21	NW SE	27.5
3 N	29 E	WM	21	SW SE	34.6
3 N	29 E	WM	21	SE SE	6.8
Total Acres					71.4

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

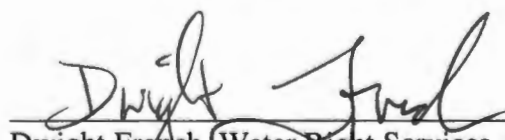
Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-12648 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-12648 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2017, 2018, 2019, 2020, and 2021 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 81319 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 81319.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. 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 appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water right described by Certificate 81319 shall continue to be in accordance with the terms and conditions of Certificate 81319.

Dated at Salem, Oregon this 20 day of July 2017.


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

JUL 26 2017

Mailing Date: _____