BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10770, Umatilla County)	TEMPORARY CHANGE IN PLACES
)	OF USE

Authority

ORS 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 diversion 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

DAVID CORREA 31777 ANDREWS ROAD ECHO, OREGON 97826

Findings of Fact

- 1. On January 15, 2009, David Correa filed an application to temporarily change places of use under the Umatilla River Decree for a period of ONE year. The Department assigned the application number T-10770.
- 2. The portions of the rights to be temporarily transferred is as follows:

Water Right: Umatilla River Decree, Volume 3, Page 127 and Volume 15, page 378 in

the names of Allen Ditch Co. and Andrew Bros. (Fred Andrews),

respectively.

Use:

Irrigation of 26.5 Acres

Priority Dates: 1870 and 1900

Rate:

0.33 cubic foot per second

Limit/Duty:

ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 acre-feet per

acre during the irrigation season of each year

Source:

UMATILLA RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Allen Ditch

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.

Authorized Places of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority	Umatilla River Decree
3N	29E	WM	7	NE SE	7.6	1870	Vol. 3, Page 195
3N	29E	WM	7	SW SE	5.5	1870	Vol. 3, Page 195
3N	29E	WM	7	SE SE	6.8	1870	Vol. 3, Page 195
3N	29E	WM	7	NW SE	6.6	1900	Vol. 15, Page 378
				Total	26.5		

3. The applicant has provided information that better describes the authorized point of diversion as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	
3 N	29 E	WM	21	SW NE	North 76°45'56" East 2913.19 feet from the W ¹ / ₄ Corner of Section 21	

4. Temporary Transfer Application T-10770 proposes to temporarily change the places of use of the rights to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority	Umatilla River Decree
3N	28E	WM	12	NE SE	19.9	1870	Vol. 3, Page 195
3N	28E	WM	12	NE SE	6.6	1900	Vol. 15, Page 378
		_		Total	26.5		

- 5. Notice of the application for temporary transfer was published on February 3, 2009, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 6. Temporary Transfer Application T-10770 proposes to temporarily transfer water rights within the boundaries of Westland Irrigation District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.

Temporary Transfer Review Criteria

- 7. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 8. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights is present.
- 9. The proposed change would not result in enlargement of the rights.
- 10. 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in places of use proposed in Temporary Transfer Application T-10770 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- 1. The temporary change in places of use proposed in Temporary Transfer Application T-10770 is approved.
- 2. The former place of use **shall not** be irrigated as part of these water rights during the 2009 irrigation season.
- 3. The use shall revert to the authorized place of use at the end of the 2009 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. Any subsequent application for permanent transfer under these rights 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 the Umatilla River Decree.
- 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. The use of the remaining water right described by the Umatilla River Decree Volume 3, at Page 195 and Volume 15, at Page 382 shall continue to be in accordance with the terms and conditions of the Umatilla River Decree.

	Dated at Salem, O	regon this 9th day of March	, 2009.
fr	William 2 Phillip C. Ward, D	E fabres Director	
	Mailing Data:	MAR 1 2 2009	