

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 W¼ 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, Oregon this 9th day of March, 2009.

Phillip C. Ward
Phillip C. Ward, Director

Mailing Date: MAR 12 2009