

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING CHANGE  
T-9518, Umatilla County, Oregon                    )     IN PLACE OF USE

ORS 537.705, and 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**

J.B. Land, LLC  
c/o Troy Betz  
P.O. Box 130  
Hermiston, OR 97838

**Findings of Fact**

1. Troy Betz of J.B. Land, LLC, filed an application to transfer the place of use under Certificate 80611. The Department assigned the application number T-9518.
2. The portion of the right to be transferred is as follows:
  - Certificate:** 80611 in the name of G-2 Farming, LLC
  - Use:** Industrial
  - Priority Date:** March 14, 1968
  - Quantity:** 0.134 cfs, not to exceed 32.16 acre-feet
  - Source:** Well #5, within the Umatilla River Basin (if available at the original point of appropriation described as Well No. 3 located within the NW¼ SE¼, Section 22, Township 4 North, Range 28 East, W.M.; 2480 Feet North and 2680 Feet East from the SW Corner, Section 22)

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	¼	¼	Lot	Location
4	N	28	E	W.M.	27	NW	NE		Well #5 - 730 Feet South and 150 Feet East from the N¼ Corner, Section 27

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼	¼	Tax Lot	Location
4	N	28	E	W.M.	27	NW	NE	1504	Industrial

3. Application T-9518 proposes to change the place of use for a portion of the right to:

Township		Range		Meridian	Sec	¼	¼	Tax Lot	Location
4	N	28	E	W.M.	28	NW	NE	4404	Industrial
4	N	28	E	W.M.	28	NW	NE	4401	Industrial
4	N	28	E	W.M.	28	SW	NE	4401	Industrial
4	N	28	E	W.M.	28	SW	NE	4402	Industrial

4. 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 notices.
5. 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.
6. The well, pump, and pipe line system sufficient to use the full amount of water allowed under the existing right are present.
7. The proposed change would not result in enlargement of the right.
8. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

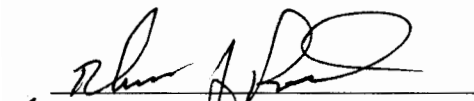
The change in place of use proposed in application T-9518 is consistent with the requirements of OAR Chapter 540 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in application T-9518 is approved.
2. Water right certificate 80611 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The proposed change shall be completed on or before October 1, 2006.

4. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
5. The water user shall install and maintain 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 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 industrial use at the new place of use shall be limited to 0.134 cfs and not to exceed 32.16 acre-feet per year.
7. 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 80611.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 13<sup>th</sup> day of December, 2004.

  
Phillip C. Ward  
Director

Mailing date: DEC 22 2004