BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-12004, Wallowa County)	TEMPORARY CHANGE IN PLACE OF
)	USE

Authority

Oregon Revised Statute (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.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

PAUL FREIDEL 85114 HWY 82 LOSTINE, OR 97857

Findings of Fact

- 1. On March 13, 2015, PAUL FREIDEL filed an application to temporarily change the place of use under Certificate 65283 for a period of 5 years. The Department assigned the application number T-12004.
- 2. Notice of the application for transfer was published on March 24, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On March 23, 2015, the Department contacted the applicant by written correspondence to notify the applicant of the deficiency in the application.
- 4. On March 24, 2015, the Department received additional consent from the landowner resolving the deficiency.
- 5. The portion of the right to be temporarily transferred is as follows:

Certificate: 65283 in the name of MERTON S. WADE (perfected under Permit

S-41469)

Use: IRRIGATING 10.0 ACRES

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.

Priority Date: FEBRUARY 14, 1977

Rate: 0.25 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, together with the

> amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 3.5 acre-feet for each acre irrigated during the irrigation

season of each year.

Source:

WALLOWA RIVER, a tributary of the GRANDE RONDE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	43 E	WM	24	SW SE	POD 1: 860 FEET NORTH AND 2350 FEET WEST FROM THE SE CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	24	SE NW	10.0

6. Temporary Transfer Application T-12004 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	43 E	WM	24	SW SW	7.0
1 S	43 E	WM	24	SE SW	3.0

Temporary Transfer Review Criteria

- 7. 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.
- 8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 9. The proposed change would not result in enlargement of the right.
- 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(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-12004 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-12004 is approved.
- 2. The former place of use **shall not** be irrigated as part of this water right during the 2015, 2016, 2017, 2018 and 2019 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2019 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 65283 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 65283.
- 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 diversion (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 65283 shall continue to be in accordance with the terms and conditions of Certificate 65283.

Dated at Salem, Oregon this 30	2 day of March, 2015.
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Dwight Hench, Water Right Services Division Administrator, for Thomas M. Byler, Director

Oregon Water Resources Department

Mailing Date: _____ APR 0 1 2015