

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

In the Matter of Transfer Application) FINAL ORDER
T-9306, Umatilla County, Oregon)
)

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the place 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

Superior Farms, Inc.
34561 East Walls Road
Hermiston, Oregon 97838

Findings of Fact

1. Superior Farms, Inc. filed an application to transfer the place of use under Certificate 44905. The Department assigned the application number T-9306.
2. Transfer application T-9306 proposes to modify a portion of the right to be transferred is as follows:

Certificate: 44905 in the name of Robert W. Bradshaw
Use: Irrigation
Priority Date: March 13, 1972
Quantity: 1.99 cfs
Acres: 97.3
Source: Columbia River, tributary to Pacific Ocean
Authorized Point of Diversion:

Township	Range	Meridian	Sec	¼	¼	Lot	DLC	Location
5	N	30 E	W.M.	7	SE	SW		460’ N & 1680’ E from SW corner, Section 7

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 Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
5	N	29	E	W.M.	24	SW	NE			0.9
5	N	29	E	W.M.	24	SE	NE			3.0
5	N	29	E	W.M.	24	NE	SE			0.6
5	N	29	E	W.M.	25	SW	SW			1.2
5	N	29	E	W.M.	26	SE	SW			7.2
5	N	29	E	W.M.	26	NE	SE			9.5
5	N	29	E	W.M.	26	NW	SE			0.2
5	N	29	E	W.M.	26	SW	SE			8.1
5	N	29	E	W.M.	26	SE	SE			3.0
5	N	29	E	W.M.	35	NE	NW			4.0
5	N	29	E	W.M.	35	SW	NW			5.2
5	N	30	E	W.M.	18	SW	SW			11.9
5	N	30	E	W.M.	18	SE	SW			6.1
5	N	30	E	W.M.	19	NE	NW			13.1
5	N	30	E	W.M.	19	NW	NW			23.3
TOTAL										97.3

3. Application T-9306 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
5	N	29	E	W.M.	24	SW	NE			2.8
5	N	29	E	W.M.	24	NE	SW			5.5
5	N	29	E	W.M.	24	SW	SW			1.1
5	N	29	E	W.M.	24	SE	SW			0.9
5	N	29	E	W.M.	24	NE	SE			9.0
5	N	29	E	W.M.	24	SW	SE			12.6
5	N	29	E	W.M.	24	SE	SE			0.4
5	N	29	E	W.M.	25	NE	NE			3.6
5	N	29	E	W.M.	25	NE	NW			6.0
5	N	29	E	W.M.	25	NW	NW			8.9
5	N	29	E	W.M.	25	SW	NW			4.7
5	N	29	E	W.M.	26	NE	NE			2.4
5	N	29	E	W.M.	26	SW	NE			0.4
5	N	29	E	W.M.	26	SE	NE			9.4
5	N	29	E	W.M.	26	NE	SW			8.5

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
5	N	29	E	W.M.	26	SE	SW			0.8
5	N	29	E	W.M.	26	NW	SE			1.3
5	N	29	E	W.M.	26	SW	SE			9.2
5	N	29	E	W.M.	26	SE	SE			0.7
5	N	29	E	W.M.	35	NW	NW			6.1
5	N	29	E	W.M.	35	SE	NW			3.0
									TOTAL	97.3

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 proposed change would not result in enlargement of the right.
7. The proposed change would not result in injury to other water rights.

Conclusions of Law

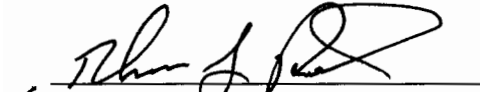
The proposed change in place of use in application T-9306 is consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9306 is approved.
2. Water right certificate 44905 is cancelled. A new certificate will be issued to confirm that portion of the right not involved in this transfer.
3. 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 44905 and any related rights.
4. The proposed change shall be completed on or before October 1, 2005.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2006.

6. The former place of use shall no longer receive water under the original authorized use of this water right.
7. When satisfactory proof of the completed changes is received, a new certificate confirming the rights transferred will be issued.

Dated at Salem, Oregon this 9th day of August, 2004.


Phillip C. Ward
Acting Director

Mailing date: AUG 13 2004