

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

**COUNTY OF UMATILLA**

In the Matter of a Proposed Temporary Change	)	ORDER
In Place of Use of Water and an Additional Point	)	APPROVING A
of Appropriation — TRANSFER 9239	)	TEMPORARY TRANSFER

**FINDINGS OF FACT**

1. Pursuant to ORS 540.523, J.R. SIMPLOT CO., PO Box 27, Boise, ID, 83707, submitted a transfer application to the Oregon Water Resources Department to temporarily change the place of use of water and add points of appropriation to facilitate the proposed change in place of use. The transfer application was received on September 5, 2002, and included the required fees.
2. The Department assigned the transfer application number T-9239.
3. The Department published notice of receipt of the temporary transfer application in the Department's Weekly Notice dated September 17, 2002.
4. No comments or timely protests were received in response to the published notice.
5. The right to be modified, as evidenced by Certificate 79993, was perfected under Permit G-5812 with a date of priority of June 12, 1972. The right allows the use of up to 1.86 cubic feet per second from Wells #4 and #6 in the Umatilla River Basin for industrial use. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 445.8 acre-feet per year if available at the Sparks Well.
6. The applicant also proposes to use the Sparks Well as an additional point of appropriation to facilitate the temporary change in place of use of water. The Sparks Well is located as follows: NW¼ SE¼, Section 34, Township 3 North, Range 28 East, W.M.; 1,300 feet North and 60 feet West from the SE Corner, NW¼ SE¼, Section 34.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order

The authorized places of use are located as follows:

USE	TWP		RNG		SEC	1/4	1/4	TAXLOT	ACRES	PRIORITY
IM	4	N	28	E	27	SW	SW	101,101A1		06-12-1972

The applicant proposes to change the places of use to:

USE	TWP		RNG		SEC	1/4	1/4	TAXLOT	ACRES	PRIORITY
IM	3	N	28	E	34	NW	NE	9200		06-12-1972
IM	3	N	28	E	34	SW	NE	9200		06-12-1972
IM	3	N	28	E	34	NE	NW	9200		06-12-1972
IM	3	N	28	E	34	SE	NW	9200		06-12-1972

### CONCLUSIONS OF LAW

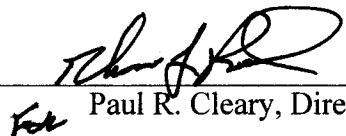
1. The temporary transfer application submitted by J.R. Simplot Co. included the information required by ORS 540.520(2).
2. The temporary transfer application submitted by J.R. Simplot Co. was accompanied by the appropriate fees as set forth in ORS 536.050.
3. The proposed transfer complies with the requirements of ORS 540.523.
4. The Director should approve the transfer because the petition satisfies the criteria and requirements of ORS 540.520(2) and ORS 540.523 resulting in no injury to other water rights.

### ORDER

It is hereby ORDERED:

1. The proposed changes to the existing water rights may be made provided the following conditions are met by the water user:
  - a. The change is temporary. The change shall be effective for the year 2003.
  - b. The use shall revert to the authorized place of use by the end of the year 2003.
  - c. All restrictions and limitations contained in the decree or permit of the subject rights will apply to the lands described by the change in place of use. Water use from wells in the Butter Creek and Stage Gulch Critical Ground Water Areas subject to allocation under OAR Chapter 690, Division 507 shall not exceed any limitations imposed by administrative rule.

Dated APR 18 2003

  
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Paul R. Cleary, Director