

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-9701,) TRANSFER
Umatilla County, Oregon)

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

Kent Madison
29299 Madison Road
Echo, Oregon 97826

Findings of Fact

1. Kent Madison filed an application to transfer the point of appropriation for a portion of the lands under Certificates 64236 and 64238. The Department assigned the application number T-9701.
2. The portion of the right to be transferred for certificate 64236 is as follows:

Certificate: 64236 in the name of Madison Ranches, Inc.
Use: Supplemental Irrigation
Priority Date: May 26, 1977
Quantity: 0.33 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Acres: 76.4
Source: A Pit Well in the Butter Creek Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼	¼	Lot	DLC	Location
3	N	28	E	W.M.	30	NW	NE			970' S & 1950' W from the NE Corner of Section 30

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
3	N	28	E	W.M.	30	SW NE			3.1
3	N	28	E	W.M.	30	SW NW			36.0
3	N	28	E	W.M.	30	SE NW			37.3

3. The portion of the right to be transferred for certificate 64238 is as follows:

Certificate: 64238 in the name of Madison Ranches, Inc.
Use: Supplemental Irrigation
Priority Date: June 14, 1977
Quantity: 0.20 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre
Acres: 76.4
Source: A Pit Well in the Butter Creek Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
3	N	28	E	W.M.	30	NW NE			970' S & 1950' W from the NE Corner of Section 30

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Acres
3	N	28	E	W.M.	30	SW NE			3.1
3	N	28	E	W.M.	30	SW NW			36.0
3	N	28	E	W.M.	30	SE NW			37.3

4. Application T-9701 proposes to add an authorized point of appropriation approximately 1.2 miles from the existing point of appropriation in the Butter Creek Basin to Certificate 64236 and Certificate 64238:

Township		Range		Meridian	Sec	¼ ¼	Lot	DLC	Location
3	N	28	E	W.M.	31	SE NW			1620' S & 1060' W of the N ¼ Corner of Section 31

5. 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 notice.
6. 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
8. The proposed change would not result in enlargement of the right.

9. The proposed change would not result in injury to other water rights.

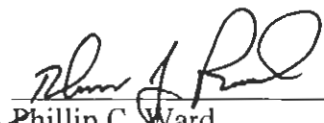
Conclusions of Law

The change in point of appropriation proposed in application T-9701 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed in application T-9701 is approved.
2. Water right certificates 64236 and 64238 are cancelled. New certificates will be issued describing those portions of the rights not involved in this transfer.
3. The right to 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 Certificates 64236 and 64238 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The proposed change shall be completed on or before October 1, 2005.
6. 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.
7. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
8. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. 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.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 13th day of SEPTEMBER, 2004.



Phillip C. Ward
Acting Director

Mailing date: SEP 21 2004