

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

In the Matter of Transfer Application)
T-10652, Morrow County)
)
) FINAL ORDER APPROVING A
) TEMPORARY CHANGE IN PLACE OF
) USE AND AN ADDITIONAL POINT OF
) APPROPRIATION

Authority

ORS 537.705 and 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 appropriation 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

JEFF BOSMA
J & J BOSMA/MAPLE GROVE DAIRIES
3620 INDEPENDENCE RD.
SUNNYSIDE, WA 98944

Agent

RONALD V. MCKINNIS
79980 PRINDLE LOOP RD.
HERMISTON, OR 97838

Findings of Fact

1. On June 13, 2008, Jeff Bosma of J & J Bosma/Maple Grove Dairies, filed an application to temporarily change the place of use and add an additional point of appropriation under Certificates 81577 and 81578 for a period of two years. The Department assigned the application number T-10652.
2. On July 1, 2008, Ronald V. McKinnis, Agent, submitted an amended application and map identifying 19.5 acres for transfer.
3. The portion of the first right to be transferred is as follows:
Certificate: 81577 in the names of GLENN S. CHOWNING AND ERIN R. CHOWNING (perfected under Permit G-1322)
Use: IRRIGATION of 19.5 ACRES
Priority Date: MARCH 11, 1959
Rate: 0.19 CUBIC FOOT PER SECOND (cfs)

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.

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year

Source: A WELL in the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	26 E	WM	10	NE SW	1380 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 10; ALSO DESCRIBED AS 75 FEET NORTH AND 230 FEET EAST FROM THE CENTER OF THE SW QUARTER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	10	SW NW	13.7
3 N	26 E	WM	10	SE NW	5.8

4. Transfer Application T-10652 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	SW NE	5.4
3 N	26 E	WM	4	SE NW	3.2
3 N	26 E	WM	4	NE SW	4.3
3 N	26 E	WM	4	NW SE	6.6

5. An additional point of appropriation is necessary to convey the water to the proposed temporary place of use. Transfer Application T-10652 proposes to add an additional point of appropriation approximately 1.2 miles in a northwesterly direction from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 N	26 E	WM	4	NW SE	1390 FEET NORTH AND 2390 FEET WEST FROM THE SE CORNER OF SECTION 4

6. The portion of the second right to be transferred is as follows:

Certificate: 81578 in the names of GLENN S. CHOWING AND ERIN R. CHOWNING (perfected under Permit S-45563)

Use: SUPPLEMENTAL IRRIGATION of 19.5 ACRES

Priority Date: FEBRUARY 5, 1981

Rate: 0.17 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 4.5 acre-feet per acre during the irrigation season of each year

Source: the COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
4 N	25 E	WM	2	NE NW	7	150 FEET SOUTH AND 2990 FEET WEST FROM

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
						THE NE CORNER OF SECTION 2

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	10	SW NW	13.7
3 N	26 E	WM	10	SE NW	5.8

7. Transfer Application T-10652 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	SW NE	5.4
3 N	26 E	WM	4	SE NW	3.2
3 N	26 E	WM	4	NE SW	4.3
3 N	26 E	WM	4	NW SE	6.6

8. Notice of the application for temporary transfer was published on June 24, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. Transfer Application T-10652 proposes to temporarily transfer water rights within the boundaries of Columbia Improvement District. The district was notified of the proposed temporary transfer and did not provide any comments.
10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
12. The proposed change would not result in enlargement of the rights.
13. 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

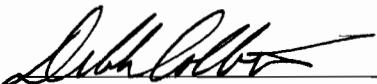
The temporary change in place of use and an additional point of appropriation proposed in Transfer Application T-10652 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The changes in place of use and an additional point of appropriation proposed in Transfer Application T-10652 are approved.

2. The former place of use **shall not** be irrigated as part of this water right during the 2008 and 2009 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2009 irrigation season. The authorization to use the additional point of appropriation shall be terminated concurrently.
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 Certificates 81577 and 81578 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 Certificates 81577 and 81578.
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. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The use of the remaining water right described by Certificates 81577 and 81578 shall continue to be in accordance with the terms and conditions of Certificates 81577 and 81578.

Dated at Salem, Oregon this 28th day of July, 2008.


Phillip C. Ward, Director

Mailing Date: AUG 01 2008