

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

In the Matter of Transfer Application) FINAL ORDER APPROVING CHANGE
T-9684, Umatilla County, Oregon) IN PLACE OF USE
)

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

Lloyd P. and Lois J. Piercy
33927 Riverview Drive
Hermiston, Oregon 97838

Findings of Fact

- 1. Lloyd P. and Lois J. Piercy filed an application to transfer the place of use under Certificate 53082. The Department assigned the application number T-9684.
- 2. On June 30, 2004, the Department received authorization to amend the application to include the supplemental irrigation. An amended map and application were received.
- 3. The portion of the right to be transferred is as follows:

Certificate: 53082 in the name of Ron Holeman
Use: Primary Irrigation
Priority Date: October 20, 1978
Quantity: 0.48 cfs
Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.
Acres: 38.5
Source: two wells within the Umatilla River Basin
POD: SE¼ SE¼, SECTION 21, T 3 N, R 29 E, W.M.; #1 – 720 feet North and 530 feet West; #2 – 370 feet North and 530 feet West, both from SE corner, Section 21.

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 137-004-0080 you may either 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.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	SW NE	9.7
3	N	29	E	W.M.	28	SE NE	1.8
3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7
3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							38.5

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	21	SE SE	2.7
3	N	29	E	W.M.	27	SW NW	2.0
3	N	29	E	W.M.	28	NE NE	14.0
3	N	29	E	W.M.	28	NW NE	0.8
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							38.5

4. The applicant requested that supplemental permit be transferred with the primary. The portion of the right to be transferred is as follows:

Permit: 53733 in the name of Lloyd and Loris Piercy
Use: Supplemental Irrigation
Priority Date: February 11, 2000
Quantity: 7.9 ac-ft
Rate/Duty: not to exceed 4.5 acre-feet per acre.
Acres: 27.0
Source: Holeman Reservoir, constructed under application R-84324, Permit R-13006.

Authorized Place of Use:

3	N	29	E	W.M.	28	SE SW	1.0
3	N	29	E	W.M.	28	SW SE	3.0
3	N	29	E	W.M.	28	SE SE	5.2
3	N	29	E	W.M.	33	NE NE	5.2
3	N	29	E	W.M.	33	NW NE	1.7

3	N	29	E	W.M.	33	SW NE	4.5
3	N	29	E	W.M.	33	SE NE	2.8
3	N	29	E	W.M.	33	NE NW	3.6
TOTAL							27.0

Application T-9684 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
3	N	29	E	W.M.	28	NE NE	8.0
3	N	29	E	W.M.	28	SE NE	19.0
TOTAL							27.0

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

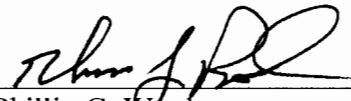
The change in place of use proposed in application T-9684 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in application T-9684 is approved.
2. Water right certificate 53082 is cancelled. Permit S-53733 is modified. A new certificate will be issued describing that portion of the right 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 Water Right Certificate 53082 and Permit S-53733.
4. The proposed change shall be completed on or before October 1, 2006.
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, 2007.

6. Prior to any diversion of water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The former place of use shall no longer receive water under the original authorized use of the water right.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 28th day of MARCH, 2005.


for Phillip C. Ward
Director

Mailing date: APR 05 2005