

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING  
T-11830, Union County                            )     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 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**

THREEMILE CANYON FARMS LLC  
75906 THREEMILE RD  
BOARDMAN, OR 97818

**Findings of Fact**

1. On June 5, 2014, THREEMILE CANYON FARMS LLC. filed an application for an additional point of appropriation under Certificates 89059 and 87023. The Department assigned the application number T-11830.
2. Notice of the application for transfer was published on June 17, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 3, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11830 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 4, 2014, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On February 18, 2015, the Department issued a preliminary determination proposing to approve Transfer T-11830 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on February 24, 2015, and in the LaGrande Observer newspaper on February 25, and March 4, 2015 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

5. The portion of the first right to be transferred is as follows:

**Certificate:** 89059 in the name of R D OFFUTT COMPANY - NORTHWEST  
(perfected under Permit G-13820)  
**Use:** IRRIGATION of 468.5 ACRES  
**Priority Date:** JULY 16, 1997  
**Rate:** 5.85 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** May 1 through October 15  
**Source:** TWO WELLS in the GRANDE RONDE RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	38 E	WM	13	SW SW	PIERCE ROAD WELL – 1280 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 13
3 S	38 E	WM	14	NE SW	COOPER WELL – 2520 FEET NORTH AND 2769 FEET WEST FROM THE SE CORNER OF SECTION 14

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	13	NE SW	40.0
3 S	38 E	WM	13	NW SW	39.1
3 S	38 E	WM	13	SW SW	38.2
3 S	38 E	WM	13	SE SW	39.1
3 S	38 E	WM	13	NE SE	40.0
3 S	38 E	WM	13	NW SE	40.0
3 S	38 E	WM	13	SW SE	36.6
3 S	38 E	WM	13	SE SE	39.1
3 S	38 E	WM	14	NE SE	39.1
3 S	38 E	WM	14	NW SE	40.0
3 S	38 E	WM	14	SW SE	39.1
3 S	38 E	WM	14	SE SE	38.2
Total					468.5

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

**Certificate:** 87023 in the name of THREEMILE CANYON FARMS LLC (perfected under Permit G-3362)  
**Use:** IRRIGATION of 609.2 ACRES  
**Priority Date:** JULY 7, 1966  
**Rate:** 2.81 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL, tributary to MCALISTER SLOUGH

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	39 E	WM	18	NW SE	1509 FEET NORTH AND 443 FEET EAST FROM THE S1/4 CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	17	NE NW	38.6
3 S	39 E	WM	17	NW NW	39.8
3 S	39 E	WM	17	SW NW	39.6
3 S	39 E	WM	17	SE NW	39.1
3 S	39 E	WM	17	NE SW	39.1
3 S	39 E	WM	17	NW SW	39.4
3 S	39 E	WM	17	SW SW	38.2
3 S	39 E	WM	17	SE SW	38.4
3 S	39 E	WM	18	NE SW	39.4
3 S	39 E	WM	18	NW SW	36.8
3 S	39 E	WM	18	SW SW	35.3
3 S	39 E	WM	18	SE SW	37.8
3 S	39 E	WM	18	NE SE	39.3
3 S	39 E	WM	18	NW SE	40.0
3 S	39 E	WM	18	SW SE	29.7
3 S	39 E	WM	18	SE SE	38.7
Total					609.2

7. Transfer Application T-11830 proposes an additional point of appropriation to water right certificates 89059 and 87203, described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	39 E	WM	17	SE NW	1950 FEET SOUTH AND 2540 FEET EAST FROM THE NW CORNER OF SECTION 17

**Transfer Review Criteria (OAR 690-380-4010)**

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11830.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights
12. All other application requirements are met.

### Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-11830 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 additional point of appropriation proposed in Transfer Application T-11830 is approved.
2. 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 Certificates 89059 and 87023 and any related decree.
3. Water right certificates 89059 and 87023 are cancelled. A new certificate will be issued describing that portion of the rights not affected by this transfer.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Ground water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 10 day of April 2015.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: APR 23 2015