BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-11667, Umatilla County)	TEMPORARY CHANGE IN
•)	PLACE OF USE

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

HIGH RIDGE PROPERTY LLC 83501 LOWER DRY CREEK RD MILTON FREEWATER, OR 97862

Findings of Fact

- 1. On September 27, 2013, HIGH RIDGE PROPERTY LLC filed an application to temporarily change the place of use under Certificate 86441 for a period of 2 years. The Department assigned the application number T-11667.
- 2. Notice of the application for transfer was published on October 8, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On October 24, and 25, 2013, the applicant provided a current copy of the deed for the portion of the right affected by this transfer.
- 4. The portion of the right to be transferred is as follows:

Certificate: 86441 in the name of SEVEN HILLS PROPERTIES LLC (perfected under

Permit G-15883)

Use: IRRIGATION of 105.1 ACRES

Priority Date: OCTOBER 8, 2004

Rate: 1.150 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

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.

acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each

year.

Period of Use: March 1 through October 31

Source: FOUR WELLS within the DRY CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	3	SW SE	WELL 3A - 1156 FEET NORTH AND 314 FEET EAST FROM THE S1/4 CORNER OF SECTION 3
5 N	35 E	WM	4	NE NW	(UMAT-50516) - 930 FEET SOUTH AND 1355 FEET EAST FROM THE NW CORNER OF SECTION 4
5 N	35 E	WM	4	NE SW	WELL 4D - 375 FEET SOUTH AND 940 FEET WEST FROM THE C1/4 CORNER OF SECTION 4
5 N	35 E	WM	4	NE SW	WELL 4A - 415 FEET SOUTH AND 500 FEET WEST FROM THE C1/4 CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
5 N	35 E	WM	8	NE SW	18.90	
5 N	35 E	WM	8	NW SW	4.20	
5 N	35 E	WM	8	SW SW	2.30	
5 N	35 E	WM	8	SE SW	31.20	
5 N	35 E	WM	8	NW SE	14.80	
5 N	35 E	WM	8	SW SE	31.00	
5 N	35 E	WM	17	NW NE	1.80	
5 N	35 E	WM	17	NE NW	0.90	

5. Temporary Transfer Application T-11667 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
5 N	35 E	WM	5	NE SW	0.50	
5 N	35 E	WM	5	NE SE	0.50	
5 N	35 E	WM	5	NW SE	8.10	
6 N	35 E	WM	31	NE SE	29.10	
6 N	35 E	WM	31	SE SE	18.40	
6 N	35 E	WM	32	SW SW	21.70	
6 N	35 E	WM	32	SE SW	26.80	

Temporary Transfer Review Criteria

- 6. Water has been used within the last five years according to the terms and a condition of the right. There is no evidence 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 are 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. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) 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 proposed in Temporary Transfer Application T-11667 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- 1. The temporary change in place of use proposed in Temporary Transfer Application T-11667 is approved.
- 2. The former place of use **shall not** be irrigated as part of this water right during the 2013, and 2014, irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2014 irrigation season.
- 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 Certificate 86441 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 Certificate 86441.
- 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 use of the remaining water right described by Certificate 86441 shall continue to be in accordance with the terms and conditions of Certificate 86441.

Dated at Salem, Oregon this 10 ^{7th} day of DECEMBER	_2013.
Set In	
Dwight French, Water Right Services Administrator, for	
PHILLIP C. WARD, DIRECTOR	

Mailing Date: DEC 1 3 2013