

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-11182, Umatilla County)	TEMPORARY CHANGES IN PLACE
)	OF USE

Authority

ORS 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 diversion 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

JB LAND, LLC
C/O GREG JUUL
PO BOX 130
HERMISTON OR 97838

Findings of Fact

1. On January 3, 2011, JB LAND, LLC filed an application to temporarily change the place of use under Certificates 80773, 85285, and Permit G-16102 for a period of five years. The Department assigned the application number T-11182.

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

Certificate: 80773 in the name of ROBERT W. BRADSHAW (perfected under Permit S-36169)

Use: IRRIGATION OF 3.5 ACRES

Priority Date: MARCH 13, 1972

Rate: 0.072 CUBIC FOOT 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-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

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.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	25	NE NW	0.8
5 N	29 E	WM	35	NE NW	1.0
5 N	29 E	WM	35	NW NW	1.2
5 N	29 E	WM	35	SW NW	0.5

3. Temporary Transfer Application T-11182 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	23	SE SE	0.8
5 N	29 E	WM	24	SW SW	2.1
5 N	29 E	WM	26	NE NE	0.6

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

Certificate: 85285 in the name of J B LAND LLC (perfected under Permit S-36169)

Use: IRRIGATION OF 9.1 ACRES

Priority Date: MARCH 13, 1972

Rate: 0.186 CUBIC FOOT 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-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	7	SE SW	460 FEET NORTH AND 1680 FEET EAST FROM THE SW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	25	NE NW	1.8
5 N	29 E	WM	25	NW NW	2.0
5 N	29 E	WM	25	SW NW	0.7
5 N	29 E	WM	35	NW NW	1.6
5 N	29 E	WM	35	SE NW	3.0

5. Temporary Transfer Application T-11182 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	24	NE SW	6.6
5 N	29 E	WM	24	SW SW	2.5

6. The portion of the permit to be temporarily transferred is as follows:

Permit: G 16102 in the name of J B LAND, LLC
Use: SUPPLEMENTAL IRRIGATION OF 12.6 ACRES
Priority Date: DECEMBER 23, 2002
Rate: 0.017 CUBIC FOOT PER SECOND (CFS), BEING 0.0085 CFS FROM WELL 1 AND 0.0085 CFS FROM DRAIN TILE 1 AND DRAIN TILE 2
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 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Sources: WELL 1, DRAIN TILE 1 AND DRAIN TILE 2, within the COLD SPRINGS WASH BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	29 E	WM	26	SW SE	WELL 1 - 150 FEET NORTH AND 2250 FEET WEST FROM THE SE CORNER OF SECTION 26
5 N	29 E	WM	26	SW NE	DRAIN TILE 1 - 3200 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 26
5 N	29 E	WM	26	SW NE	DRAIN TILE 2 - 3200 FEET NORTH AND 2000 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	25	NE NW	2.6
5 N	29 E	WM	25	NW NW	2.0
5 N	29 E	WM	25	SW NW	0.7
5 N	29 E	WM	35	NE NW	1.0
5 N	29 E	WM	35	NW NW	2.8
5 N	29 E	WM	35	SW NW	0.5
5 N	29 E	WM	35	SE NW	3.0

7. Temporary Transfer Application T-11182 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	29 E	WM	23	SE SE	0.8
5 N	29 E	WM	24	NE SW	6.6
5 N	29 E	WM	24	SW SW	4.6
5 N	29 E	WM	26	NE NE	0.6

8. Notice of the application for temporary transfer was published on pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. Pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed change would not result in enlargement of the rights.
12. 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 changes in place of use proposed in Temporary Transfer Application T-11182 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Temporary Transfer Application T-11182 are approved.

2. The former places of use **shall not** be irrigated as part of these water rights during the 2011, 2012, 2013, 2014 and 2015 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2015 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificates 80773, 85285, and Permit G-16102 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 80773, 85285, and Permit G-16102.
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 rights and permit described by Certificates 80773, 85285, and Permit G-16102, shall continue to be in accordance with the terms and conditions of Certificates 80773, 85285, and Permit G-16102.

Dated at Salem, Oregon this 14 day of February, 2011.


Dwight French for
PHILLIP C. WARD, DIRECTOR

Mailing Date: FEB 16 2011