

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-11245, Wasco County)	TEMPORARY CHANGE 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

DILLON LAND AND CATTLE CO.
ATTN: KIETH NANTZ
84682 OAK SPRINGS ROAD
MAUPIN, OR 97037

Agent

TENNESON ENGINEERING CORP.
ATTN: LARRY TOLL
3313 WEST SECOND STREET, SUITE 100
THE DALLES, OR 97058

Findings of Fact

1. On May 13, 2011, Dillon Land and Cattle Co. filed an application to temporarily change the place of use under Certificate 80633 for a period of 5 years. The Department assigned the application number T-11245.
2. On May 26, 2011, the Department received an amended application and application map, reducing the total acres proposed for transfer under T-11245 from 37.3 acres to 37.0 acres.
3. The portion of the right to be temporarily transferred is as follows:

Certificate: 80633 in the name of DENNIS H. MARSH (perfected under Permit G-9555)

Use: IRRIGATION of 37.0 ACRES

Priority Date: FEBRUARY 3, 1982

Rate: 0.46 CUBIC FOOT PER SECOND

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: 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, within the OAK SPRINGS CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	14 E	WM	19	SE NE	1850 FEET SOUTH AND 1040 FEET WEST FROM THE NE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	14 E	WM	19	NW NE	9.5
4 S	14 E	WM	19	SW NE	21.6
4 S	14 E	WM	19	NE NW	5.9

4. Temporary Transfer Application T-11245 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	14 E	WM	20	NW SW	30.5
4 S	14 E	WM	20	SW SW	6.5

5. Notice of the application for transfer was published on May 24, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. The proposed place of use described in Finding of Fact #4 conflicts with a portion of the place of use for Permit S-54068, however the applicant has proposed that the permit will not be used on those lands during the term of the transfer.

Temporary Transfer Review Criteria

7. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.
10. 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.

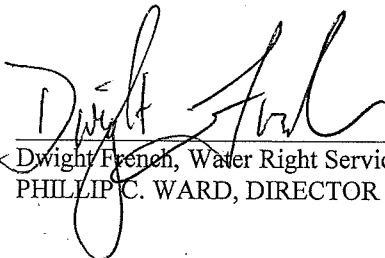
Conclusions of Law

The temporary change in place of use proposed in application Temporary Transfer Application T-11245 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-11245 is approved.
2. The former place of use **shall not** be irrigated as part of this water right 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 change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 80633 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 80633.
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 portion of the water right described by Certificate 80633 shall continue to be in accordance with the terms and conditions of Certificate 80633.
9. Permit S-54068 will not be exercised on the lands in Finding of Fact #4 during the term of the transfer.

Dated at Salem, Oregon this 27 day of June, 2011.


Dwight French, Water Right Services Administrator, for
PHILIP C. WARD, DIRECTOR

Mailing Date: JUN 29 2011

