

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

In the Matter of Transfer Application        )        **FINAL ORDER APPROVING A**  
T-10673, 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**

LEON REESE  
C/O SHERMAN REESE  
36489 REESE RD  
ECHO, OR 97826

**Agent**

WILLIAM PORFILY  
PO BOX 643  
415 E WHEELER  
STANFIELD, OR 97875

**Findings of Fact**

1. On July 10, 2008, Leon Reese, filed an application to temporarily change the place of use under Certificates 76273, 84116 and 55613 for a period of one year. The Department assigned the application number T-10673.
2. The entirety of the first right to be transferred is as follows:

**Certificate:** 76273 in the name of LEON A. REESE (perfected under Permit G-5957)  
**Use:** IRRIGATION of 70.8 ACRES  
**Priority Date:** NOVEMBER 30, 1973  
**Rate:** 0.88 CUBIC FOOT PER SECOND (cfs)  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year  
**Source:** A WELL in the STAGE GULCH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	30 E	WM	9	NW SW	520 FEET SOUTH AND 940 FEET EAST FROM THE W1/4 CORNER OF SECTION 9

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 Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	9	SW NW	9.5
3 N	30 E	WM	9	SE NW	12.4
3 N	30 E	WM	9	NE SW	28.6
3 N	30 E	WM	9	NW SW	19.2
3 N	30 E	WM	9	SE SW	1.1

3. Transfer Application T-10673 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	8	SE NE	1.10
3 N	30 E	WM	8	NE SE	5.10
3 N	30 E	WM	9	SW NW	5.40
3 N	30 E	WM	9	SE NW	9.60
3 N	30 E	WM	9	NE SW	13.65
3 N	30 E	WM	9	NW SW	26.00
3 N	30 E	WM	9	SW SW	9.95

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

**Certificate:** 84116 in the name of LEON REESE (perfected under Permit U-680)

**Use:** IRRIGATION of 20.55 ACRES

**Priority Date:** SEPTEMBER 16, 1954

**Rate:** 0.25 CUBIC FOOT PER SECOND (cfs)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year

**Source:** A WELL in the UMATILLA RIVER BASIN (STAGE GULCH BASIN)

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	30 E	WM	9	NW SW	2068 FEET NORTH AND 911 FEET EAST FROM THE SW CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	9	NE SW	0.87
3 N	30 E	WM	9	NW SW	19.68

5. Transfer Application T-10673 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	9	SW SW	20.55

6. The entirety of the third right to be transferred is as follows:

**Certificate:** 55613 in the name of LEON A. REESE (perfected under Permit G-4955)

**Use:** IRRIGATION of 118.3 ACRES

**Priority Date:** FEBRUARY 2, 1972

**Rate:** 0.7 CUBIC FOOT PER SECOND (cfs)

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year provided further than in the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with the right perfected under Permit G-8633 shall not exceed 1.34 cfs, the capacity of this well at the time of perfection of this right.

**Source:** A WELL in the STAGE GULCH BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	30 E	WM	22	SW SW	820 FEET NORTH AND 940 FEET EAST FROM THE SW CORNER OF SECTION 22

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	22	NE SW	20.8
3 N	30 E	WM	22	NW SW	39.6
3 N	30 E	WM	22	SW SW	38.2
3 N	30 E	WM	22	SE SW	19.7

7. Transfer Application T-10673 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	22	NW NW	1.0
3 N	30 E	WM	22	SW NW	26.8
3 N	30 E	WM	22	SE NW	5.8
3 N	30 E	WM	22	NE SW	23.0
3 N	30 E	WM	22	NW SW	32.6
3 N	30 E	WM	22	SW SW	29.1

8. Notice of the application for temporary transfer was published on July 22, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
9. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.

11. Transfer Application T-10673 proposes to temporarily transfer water rights within the Stage Gulch Critical Ground Water Area. Water right Certificates 52824 and 56073 exist on some of the land to which this temporary transfer proposes to move water rights.
12. Certificates 52824 and 56073 were not allocated water under the 2008 Stage Gulch Critical Ground Water Proposed Order pursuant to ORS 537.730 and 537.735.
13. The proposed change would not result in enlargement of the rights if conditioned to not allow the use of water under Certificates 52824 and 56073 during the period when Certificates 76273, 84116 and 55613 are temporarily transferred.
14. 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**

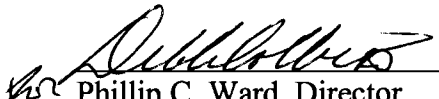
The temporary change in place of use as proposed in Transfer Application T-10673 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### **Now, therefore, it is ORDERED:**

1. The change in place of use as proposed in Transfer Application T-10673 is approved, as conditioned.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2008 irrigation season.
3. Certificates 52824 and 56073 shall not be exercised during the term of this temporary transfer.
4. The use shall revert to the authorized place of use at the end of the 2008 irrigation season.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. A subsequent application for permanent transfer of Certificates 76273, 84116 and 55613 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.
7. 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 76273, 84116 and 55613.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.

Dated at Salem, Oregon this 25<sup>th</sup> day of August, 2008.

  
Phillip C. Ward, Director

Mailing Date: ~~—AUG 28 2008~~