

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

In the Matter of Transfer Application) FINAL ORDER
T-8088, Wasco County) APPROVING A CHANGE
) IN PLACE OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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

BLAINE LIMITED PARTNERSHIP
4676 HUTSON DRIVE
PARKDALE, OR 97042

Findings of Fact

Background

1. On September 16, 1998, Blaine Limited Partnership filed an application to amend the place of use under Permit S-46164. The Department assigned the application number T-8088.
2. The Department issued Certificate 83021 on May 5, 2008, to confirm the use of water perfected under Permit S-46164.
3. On September 3, 2008, the applicant revised Application T-8088 to request a change in the place of use under Certificate 83021. The applicant also provided additional information necessary to satisfy the application requirements for transfers processed under OAR Division 690, Chapter 380.
4. The portion of the first right to be transferred is as follows:
Certificate: 83021 in the name of RICHARD T. BLAINE (perfected under Permit S-46164)
Use: IRRIGATION of 35.4 ACRES
Priority Date: AUGUST 17, 1981
Rate: 0.19 CUBIC FOOT PER SECOND (CFS)

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.

Limit/Duty: ONE-FORTIETH of one cfs per acre, not to exceed 3.5 ACRE-FEET per acre during the irrigation season of each year

Source: GATE CREEK, tributary to WHITE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	12 E	WM	32	NE SE	2320 FEET NORTH AND 350 FEET WEST FROM THE SE CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12 E	WM	32	NE NE	32.3
4 S	12 E	WM	32	SE NE	3.1
TOTAL:					35.4

5. Transfer Application T-8088 proposes to change the place of use for the portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	12 E	WM	32	NW NE	13.0
4 S	12 E	WM	32	SW NE	3.8
4 S	12 E	WM	32	SW SE	10.0
5 S	12 E	WM	4	SW NW	8.6
TOTAL:					35.4

6. Notice of the application for transfer was published on September 22, 1998, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On September 11, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-8088 to the applicant. The draft Preliminary Determination set forth a deadline of October 13, 2008, for the applicant to respond. The applicant responded on September 17, 2008, and requested that the Department proceed with issuance of a Preliminary Determination.
8. On September 19, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-8088 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 September 30, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. Pumps, pipeline, and a sprinkler system sufficient to use the full amount of water allowed under the existing right are present, as evidenced by the issuance of Certificate 83021 on May 5, 2008.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-8088 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-8088 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 Certificate 83021 and any related decree.
3. Water right certificate 83021 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. When required by the Department, the water user shall install, maintain and operate an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 31ST day of October 2008.



PC Phillip C. Ward, Director

Mailing date: DEC 08 2008