

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A TEMPORARY
T-11560, Morrow County) 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

MADISON RANCHES, INC.
JAKE MADISON, PRESIDENT
29299 MADISON RD.
ECHO, OR 97826

Findings of Fact

1. On March 29, 2013, Jake Madison, of Madison Ranches, Inc., filed an application to temporarily change the place of use under Certificate 76586 for a period of one year. The Department assigned the application number T-11560.

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

- Certificate:** 76586 in the name of POTLATCH CORPORATION (perfected under Permit S-37150)
- Use:** IRRIGATION OF 239.47 ACRES
- Priority Date:** JULY 25, 1973
- Rate:** 5.16 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 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 per acre for each acre irrigated during the irrigation season of each year.
- Source:** COLUMBIA RIVER, a tributary of 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	Gov't Lot	Q - Q	Measured Distances
4 N	25 E	WM	2	7	NE NW	SOUTH 86 DEGREES 22 MINUTES, 46 SECONDS WEST, 2829 FEET FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Tax Lot	Q - Q	Acres
3N	26 E	WM	13	100	NE NW	30.33
3N	26 E	WM	13	100	NW NW	29.70
3N	26 E	WM	13	100	SW NW	25.45
3N	26 E	WM	13	100	SE NW	31.03
3N	27 E	WM	5	200	NE SW	31.28
3N	27 E	WM	5	200	NW SW	30.95
3N	27 E	WM	5	200	SW SW	30.51
3N	27 E	WM	5	200	SE SW	30.22
TOTAL						239.47

3. Temporary Transfer Application T-11560 proposes to temporarily change the place of use of the above described right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Tax Lot	Q - Q	Acres
3 N	27 E	WM	29	1701	NE NE	8.27
3 N	27 E	WM	29	1701	NW NE	37.79
3 N	27 E	WM	29	1701	SW NE	36.35
3 N	27 E	WM	29	1701	SE NE	8.05
3 N	27 E	WM	29	1701	NE NW	15.24
3 N	27 E	WM	29	1701	SE NW	13.84
3 N	27 E	WM	29	1701	NE SW	6.60
3 N	27 E	WM	29	1701	SE SW	6.32
3 N	27 E	WM	29	1701	NE SE	16.29
3 N	27 E	WM	29	1701	NW SE	36.89
3 N	27 E	WM	29	1701	SW SE	37.16
3 N	27 E	WM	29	1701	SE SE	16.67
TOTAL						239.47

4. Notice of the application for transfer was published on April 9, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. Temporary Transfer Application T-11560 proposes to temporarily transfer water rights within the boundaries of Columbia Improvement District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.

Temporary Transfer Review Criteria

6. 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 rights are subject to forfeiture under ORS 540.610.
7. Pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
8. The proposed changes, as conditioned, would not result in enlargement of the rights.
9. The proposed change, as conditioned, 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-11560 are 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-11560 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2013 irrigation season.
3. The use shall revert to the authorized place of use at the end of the 2013 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 Certificate 76586 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 all other terms and conditions of Certificate 76586.
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 devices and shall make such improvements as may be required by the Department.

9. The use of the remaining water rights described by Certificate 76586 shall continue to be in accordance with the terms and conditions of Certificate 76586.

Dated at Salem, Oregon this 17 day of May, 2013.



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

Mailing Date: May 30 2013