

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

In the Matter of Transfer Application)	FINAL ORDER
T-9795, Union County)	APPROVING CHANGES IN POINT OF
)	DIVERSION AND PLACE OF USE
)	

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

MT. HARRIS FARMS
C/O RUSSELL BINGAMAN
P.O. BOX 129
IMBLER, OR 97841

Agent

GREG BLACKMAN
BAGETT-GRIFFITH, & BLACKMAN
2006 ADAMS AVE
LA GRANDE, OR 97850

Receiving Landowner

BRUCE RYNEARSON
62289 OWSLEY CANYON RD
LA GRANDE, OR 97850

Findings of Fact

1. On 9/28/2004, Mt. Harris Farms filed a transfer application to change the point of diversion and place of use under Certificate 81067. The Department assigned the application number T-9795.

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

Certificate: 81067 in the name of Orodell Ditch Association

Use: Irrigation

Priority Date: 1872

Rate: 1/40 cfs per acre not to exceed 3.0 af in any irrigation season

Acres: 30.0

Source: Grande Ronde River, tributary to the Snake River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	¼ ¼		POD
2	S	38	E	W.M.	31	SW	SW	Orodell Ditch

This is a final order in other than 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 either 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:

Township		Range		Meridian	Sec	¼ ¼		Acres
2	S	38	E	W.M.	27	NW	NW	12.0
2	S	38	E	W.M.	27	SW	NW	18.0

3. This right is further limited by the Grande Ronde River Consolidated decree stating that the Orodell Ditch Association is entitled to divert 100 miner's inches between September first of each year and May first of the following year, 500 miner's inches between May first and July first of each year, and 200 miner's inches between July first and September first of each year, but at no time shall said Orodell Ditch Association divert more than half of the flow of the Grande Ronde River.
4. Application T-9795 proposes to change the Point of Diversion to:

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
2	S	38	E	W.M.	31	SW	SW	1858 feet South & 81 feet East from W¼ Corner, Section 31

5. Application T-9795 proposes to change the Place of Use to:

Township		Range		Meridian	Sec	¼ ¼		Acres	Tax Lot
2	S	38	E	W.M.	32	NW	NW	23.3	902
2	S	38	E	W.M.	32	SW	NW	6.7	1000 and 1002

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. The Oregon Department of Fish and Wildlife reported that the proposed diversion is equipped with an appropriate fish screening device.
8. There is a headgate and measuring device in good condition at the proposed point of diversion.
9. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right are present.
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.
13. The property owner of record, Juanita Stockhoff Ramey, has signed a statement authorizing the transfer of water right by Mt Harris Farms.

14. The receiving landowner is Bruce Rynearson; 62289 Owsley Canyon Road; LaGrande OR, 97850. Further notices and correspondence should be sent to this landowner.

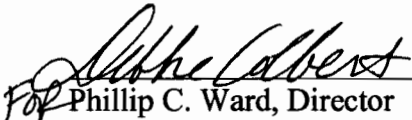
Conclusions of Law

The proposed changes in point of diversion and place of use in application T-9795 are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-9795 are approved.
2. Water right certificate 81067 is cancelled. Certificate 81616 will be issued describing that portion of the right not involved in this transfer.
3. 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 81067 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. 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 changes and full beneficial use of the water.
5. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The former place of use of the transferred water shall no longer receive water as part of this right.
7. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17th day of January, 2006.


For Phillip C. Ward, Director

Mailing date: JAN 19 2006