

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-12022, Umatilla County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND POINT OF
	)	APPROPRIATION

**Authority**

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SPIKE RANCH INC.  
P.O. BOX 8  
ECHO, OR. 97826

**Agent**

WILLIAM I. PORFILY  
P.O. BOX 643  
STANFIELD, OR. 97875

**Findings of Fact**

1. On March 30, 2015, SPIKE RANCH, INC filed an application to temporarily change the place of use under Certificates 61114, 54758, and the Umatilla River Decree(S) Volume 15, Page 378 for a period of 5 years. The Department assigned the application number T-12022.
2. Notice of the application for transfer was published on April 7, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:

**Decree:** Umatilla River in the name of COURTNEY IRRIGATION CO.  
(UMATILLA RIVER DECREE (S) Vol: 15 Page: 378)

**Use:** IRRIGATION of 78.1 ACRES

**Priority Date:** 1900

**Limit/Duty:** 2.3 CUBIC FOOT PER SECOND (subject to the provisions of the Umatilla River Decree, Paragraph 33)

**Period of Use:** USUALLY MARCH 1 TO NOVEMBER 1

**Source:** UMATILLA RIVER tributary to the COLUMBIA RIVER

**Authorized Point of Diversion:** WESTLAND CANAL

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	28 E	WM	12	NE NE	30.8
3 N	28 E	WM	12	NW NE	30.2
3 N	28 E	WM	12	SW NE	17.1
Total					78.1

4. The Umatilla River Decree(S) Volume 15, Page 378, does not provide a detailed description of the location of the authorized point of diversion, however the applicant has provided a description of the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	NORTH 76 DEGREES 45 MINUTES 56 SECONDS EAST; 2913.19 FEET FROM THE W¼ CORNER OF SECTION 21

5. Temporary Transfer Application T-12022 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	18	SW NE	3.8
3 N	28 E	WM	18	SE NE	1.4
3 N	28 E	WM	18	SE NW	7.4
3 N	29 E	WM	18	NE SW	11.7
3 N	28 E	WM	18	NE SE	14.3
3 N	28 E	WM	18	NW SE	39.1
3 N	28 E	WM	18	SW SE	0.4
Total					78.1

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

**Certificate:** 54758 in the name of ESTATE OF FRED ANDREWS; (perfected under Permit S-35811)

**Use:** IRRIGATION of 78.1 ACRES

**Priority Date:** FEBRUARY 5, 1971

**Rate:** 1.45 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, shall be limited 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:** UMATILLA RIVER a tributary of the COLUMBIA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	21	SW NE	NORTH 76 DEGREES 45MINUTES 56 SECONDS EAST; 2913.19 FEET FROM THE W1/4 CORNER OF SECTION 21

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	18	SW NE	3.8
3 N	29 E	WM	18	SE NE	1.4
3 N	29 E	WM	18	SE NW	7.4
3 N	29 E	WM	18	NE SW	11.7
3 N	29 E	WM	18	NE SE	14.3
3 N	29 E	WM	18	NW SE	39.1
3 N	29 E	WM	18	SW SE	0.4
Total					78.1

7. Temporary Transfer Application T-12022 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	12	NE NE	30.8
3 N	28 E	WM	12	NW NE	30.2
3 N	28 E	WM	12	SW NE	17.1
Total					78.1

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

**Certificate:** 61114 in the name of SPIKE RANCH INC. (perfected under Permit G-10234)

**Use:** SUPPLEMENTAL IRRIGATION of 78.1 ACRES

**Priority Date:** SEPTEMBER 8, 1983

**Rate:** 0.98 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, shall be limited to a diversion of ONE-EIGHTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL in the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	28 E	WM	12	NW NE	1300 FEET SOUTH AND 1390 FEET WEST FROM THE NE CORNER OF SECTION 12

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	28 E	WM	12	NE NE	30.8
3 N	28 E	WM	12	NW NE	30.2
3 N	28 E	WM	12	SW NE	17.1
Total					78.1

9. Temporary Transfer Application T-12022 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	18	SW NE	3.8
3 N	29 E	WM	18	SE NE	1.4
3 N	29 E	WM	18	SE NW	7.4
3 N	29 E	WM	18	NE SW	11.7
3 N	29 E	WM	18	NE SE	14.3
3 N	29 E	WM	18	NW SE	39.1
3 N	29 E	WM	18	SW SE	0.4
Total					78.1

10. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12022 proposes to move the authorized point of appropriation approximately 1.0 mile south to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	7	SE SW	350 FEET NORTH AND 3130 FEET EAST FROM THE SW CORNER OF SECTION 7

11. Temporary Transfer Application T-12022 proposes to temporarily transfer water rights within the boundaries of Westland Irrigation 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***

12. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes 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(5) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**

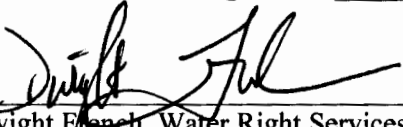
The temporary change in place of use and point of diversion to serve the temporary place of use proposed in Temporary Transfer Application T-12022 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-12022 is approved.

2. The former place of use **shall not be** irrigated as part of these water rights during the 2015, 2016, 2017, 2018, and 2019 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2019 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 Certificates 61114, 54758, and the Umatilla River Decree(S) Volume 15, Page 378, 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 Certificates 61114, 54758 and the Umatilla River Decree(S) Volume 15, Page 378.
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. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation new and existing.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
9. The use of the remaining water rights described by Certificates 61114, 54758 and the Umatilla River Decree(S) Vol. 15, Page 378, shall continue to be in accordance with the terms and conditions of Certificates 61114, 54758 and the Umatilla River Decree(S) Vol.15, Page 378.

Dated at Salem, Oregon this 14 day of May 2015.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing Date: MAY 20 2015