

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12740, Union County) CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

KURT BOWMAN
67495 HWY 237
LA GRANDE, OR 97850

Receiving Landowner

KURT BOWMAN
67495 HWY 237
LA GRANDE, OR 97850

Findings of Fact

1. On September 7, 2017, KURT BOWMAN filed an application to change the place of use under Certificate 93271. The Department assigned the application number T-12740.
2. Kurt Bowman is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on September 12, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On December 7, 2020, the Department contacted the applicant by written correspondence to notify the applicant of a deficiency in the application. Additional fees are required to continue processing T-12740. The Department requested that the deficiency be resolved by January 8, 2021. The Department did not receive a response.
5. On January 11, 2021, the Department contacted the applicant by written correspondence a second time, to notify the applicant of a deficiency in the application. Additional fees were required to continue processing T-12740. The Department requested that the deficiency be resolved by February 11, 2021.

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.

6. On January 25, 2021, the Department received the required additional fees to complete processing of T-12740, resolving the deficiency.
7. On February 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12740 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 19, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On April 22, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-12740 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 April 27, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 93271 in the name of ORODELL CANAL COMPANY (confirmed by GRANDE RONDE RIVER, CONSOLIDATED Decree)
Use: IRRIGATION of 10.0 ACRES
Priority Date: 1872
Rate: Limited to three acre-feet per acre in any irrigation season diverted at a rate of not to exceed one-fortieth of a cubic foot per second per acre
Source: GRANDE RONDE RIVER, a tributary of the SNAKE RIVER

Authorized Point of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 2 S | 38 E | WM | 31 | SW SW | ORODELL DITCH - 1858.33 FEET SOUTH AND 80.84 FEET EAST FROM THE W1/4 CORNER OF SECTION 31 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 2 S | 38 E | WM | 33 | NE NE | 10.0 |

10. Transfer Application T-12740 proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 2 S | 38 E | WM | 34 | NE NW | 10.0 |

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

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

12. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12740.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

Conclusions of Law

The change in place of use proposed in Transfer Application T-12740 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-12740 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 93271 and any related decree.
3. Water right Certificate 93271 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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right 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.
6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

JUN 14 2021


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **JUN 15 2021**