

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10394, Union County)	CHANGE IN PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

S HAWKINS INC.
57390 HAWKINS ROAD
LA GRANDE, OREGON 97850

Agent

BAGETT GRIFFITH & BLACKMAN
2006 ADAMS AVE
LA GRANDE, OREGON 97850

Findings of Fact

Background

1. On May 23, 2007, Sherman and Hazel Hawkins filed an application to change the place of use under Permit G-13078 for which proof to the satisfaction to the Director was made. The Department assigned the application number T-10394.
2. On September 24, 2008, the applicant submitted an amended application changing the applicant information and clarified the place of use affected by the transfer.
3. On October 8, 2008, the applicant's Certified Water Right Examiner, Greg Blackman, submitted an amended application map on October 8, 2008.

4. The right to be transferred is as follows:

Permit: G-13078, in the name of Janis Conklin, for which proof to the satisfaction of the director was made and referenced in Special Order, Volume 56, and Page 800, described in the claim of beneficial use was submitted on August 5, 2002.

Use: IRRIGATION OF 211.3 ACRES

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.

Priority Date: JULY 20, 1995

Rate: 2.64 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet for each acre irrigated during the irrigation season of each year

Source: A WELL, in the GRANDE RONDE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	39 E	WM	10	NE SE	1375 FEET NORTH AND 1289 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	10	NE SE	39.4
3 S	39 E	WM	10	SE SE	37.8
3 S	39 E	WM	11	NE SW	32.8
3 S	39 E	WM	11	NW SW	36.7
3 S	39 E	WM	11	SW SW	36.6
3 S	39 E	WM	11	SE SW	28.0
TOTAL ACRES:					211.3

5. Transfer Application T-10394 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	10	NE SE	32.2
3 S	39 E	WM	10	SE SE	37.8
3 S	39 E	WM	11	NE SW	35.0
3 S	39 E	WM	11	NW SW	37.7
3 S	39 E	WM	11	SW SW	37.6
3 S	39 E	WM	11	SE SW	31.0
TOTAL ACRES:					211.3

6. Notice of the application for transfer was published on June 5, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On September 17, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10394 to the applicant. The cover letter draft Preliminary Determination set forth a deadline of September 30, 2008, 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 October 29, 2008, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10394 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on November 11, 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)

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. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10394.
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.

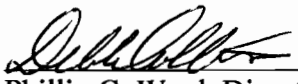
Conclusions of Law

The change in place of use proposed in Transfer Application T-10394 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-10394 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 Permit G-13078 and any related decree.
3. The former place of use of the transferred right shall no longer receive water under the right.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. The approved changes 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 changes and full beneficial use of the water.
6. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 10th day of December 2008.


Phillip C. Ward, Director

Mailing Date: DEC 12 2008