

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

In the Matter of Transfer Application            )    FINAL ORDER REJECTING A CHANGE  
T-7910, Union County, Oregon                 )    IN POINT OF DIVERSION

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**

May Park Water Ditch Co.  
P.O. Box 2965  
LaGrande, OR 97850

**Findings of Fact**

1. May Park Water Ditch Co. filed an application to transfer the point of diversion under Certificates 6477, 6537, 6552, 6570, 77031. The Department assigned the application number T-7910.
2. The portion of the first right to be transferred is as follows:

**Certificate:** 6477 in the name of EDWARD MULHOLLAND (confirmed by Grande Ronde River decree) and previously modified in Special Order Volume 8, Page 335

**Use:** IRRIGATION of 8.5 ACRES

**Priority Date:** 1869

**Rate:** 0.21 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** GRANDE RONDE RIVER, MCALISTER SLOUGH, MULHOLLAND SLOUGH, AND MULHOLLAND BRANCH tributaries to the SNAKE RIVER

**Authorized Points of Diversion:**

SUB IRRIGATION AND TEMPORARY DITCHES
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**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	3	NE SW	8.5

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.

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

**Certificate:** 6537 in the name of C M & MARCIA RIDDLE (confirmed by Grande Ronde River decree)

**Use:** IRRIGATION of 12.42 ACRES

**Priority Date:** 1895

**Rate:** 0.31 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

**Source:** GRANDE RONDE RIVER, tributary to SNAKE RIVER

**Authorized Point of Diversion:**

MAY PARK WATER CO. DITCH
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**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	33	SE SW	12.42

4. The department derived information from the Grande Ronde river decree map that better describes the location of the May Park Water Co. Ditch as being located at:

Twp	Rng	Mer	Sec	Q-Q
2 S	38 E	WM	32	SW SE

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

**Certificate:** 6552 in the name of B W SCHROEDER (confirmed by Grande Ronde River decree)

**Use:** IRRIGATION of 8.3 ACRES

**Priority Date:** 1871

**Rate:** 0.21 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

**Source:** GRANDE RONDE RIVER, tributary to SNAKE RIVER

**Authorized Point of Diversion:**

PIONEER FLOURING MILL DITCH
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**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	34	SW SW	8.3

6. The department derived information from the Grande Ronde river decree map that better describes the location of the Pioneer Flouring Mill Ditch as being located at:

Twp	Rng	Mer	Sec	Q-Q
2 S	38 E	WM	33	SW SE

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

**Certificate:** 6570 in the name of CHAS. E SMITH (confirmed by the Grande Ronde River decree)

**Use:** IRRIGATION of 6.5 ACRES

**Priority Date:** 1900

**Rate:** 0.16 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 3.0 acre-feet per acre per year

**Source:** GRANDE RONDE RIVER, tributary to SNAKE RIVER

**Authorized Point of Diversion:**

MAY PARK WATER CO. DITCH
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**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	33	SW SE	6.5

8. The department derived information from the Grande Ronde river decree map that better describes the location of the May Park Water Co. Ditch as being located at:

Twp	Rng	Mer	Sec	Q-Q
2 S	38 E	WM	32	SW SE

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

**Certificate:** 77031 in the name of J L CAVINESS (confirmed by Grande Ronde River decree)

**Use:** IRRIGATION of 48.93 ACRES

**Priority Date:** JUNE 1865

**Rate:** 1.22 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

**Source:** GRANDE RONDE RIVER, tributary to SNAKE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
2 S	38 E	WM	32	SW SE	475 FEET NORTH & 660 FEET EAST FROM S1/4 CORNER, SECTION 32
2 S	38 E	WM	32	SE SE	55 FEET NORTH & 1654 FEET EAST FROM S1/4 CORNER, SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	38 E	WM	33	SE SE	3.10
3 S	38 E	WM	3	NW NW	3.20
3 S	38 E	WM	3	SW NW	25.40
3 S	38 E	WM	3	SE NW	15.43
3 S	38 E	WM	4	NE NE	1.8

10. Application T-7447 proposes to move the authorized point of diversion to:

Township	Range	Meridian	Sec	Q-Q	Location
2 S	38 E	W.M.	32	SW SE	NORTH 10 DEGREES 55 MINUTES 21 SECONDS EAST, 713 FEET FROM THE S¼ corner, SECTION 32

11. Notice of the application for transfer was published on January 27, 1998, pursuant to ORS 540.520 and OAR 690-380-4000. The Grande Ronde Improvement District filed a protest of T-7910 on February 16, 1999 in response to the notice, but withdrew the protest on May 18, 1999.
12. There are mapping deficiencies and discrepancies in the application that need to be corrected in order to meet OAR 690-380 standards. A letter of deficiency was mailed April 23, 1998, explaining various discrepancies, and requesting the applicant to submit amendments to the application.
13. An amended application was received March 4, 1999 modifying the lands involved in the transfer. On June 26, 2000 a letter was received further amending the application. However, the application and map still do not meet the standards in OAR 690-380, and information received by the Department indicates that the May Park Water Ditch Company may not currently have a functioning board of directors responsible for acting on behalf of its members to remedy the deficiencies.
14. A letter was mailed February 23, 2006, to all property owners of lands identified in the application, explaining the current situation and notifying them that if they wanted to pursue the transfer they needed to notify the department by March 23, 2006 or the transfer would be rejected. No comments were received.
15. On March 28, 2006 a draft Preliminary Determination was mailed to the May Park Water Ditch Co. at the address of record, with copies to all affected landowners, proposing to reject the transfer application unless specified deficiencies were remedied by April 28, 2006. No response was received.
16. On May 22, 2006 Preliminary Determination was issued, proposing to reject T-7910 due to failure to meet OAR 690-380-4010(3) completeness requirements. Notice of the Preliminary Determination was published in the Department's weekly public notice on May 30, 2006. No protests were received.

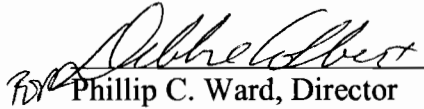
### Conclusions of Law

The proposed change in point of diversion in application T-7910 is not consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 because it does not meet the standards for completeness in OAR 690-380-4010(3). Therefore the application is incomplete.

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

The change in point of diversion proposed in application T-7910 is rejected. The application is of no further force or effect.

Dated at Salem, Oregon this 11<sup>th</sup> day of July, 2006.

  
Phillip C. Ward, Director

Mailing date: JUL 13 2006