

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

In the Matter of Transfer Application)
T-12060, Union County)
)
) FINAL ORDER APPROVING A
) 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

THREEMILE CANYON FARMS LLC
75906 THREEMILE RD
BOARDMAN, OR 97818

Findings of Fact

1. On June 16, 2015, THREEMILE CANYON FARMS, LLC filed an application to temporarily change the place of use and point of appropriation to serve the proposed place of use under Certificate 87413 for a period of 5 years. The Department assigned the application number T-12060.
2. Notice of the application for transfer was published on June 23, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 25, 2015, the Department requested an evidence of use affidavit, on August 25, 2015, applicant's agent provided an affidavit and evidence of use.
4. The portion of the right to be transferred is as follows:

Certificate: 87413 in the name of JOHN AND NANCY RAYBURN (perfected under Permit G-8971)
Use: IRRIGATION of 6.0 ACRES
Priority Date: MARCH 10, 1980
Rate: 0.07 CUBIC FEET PER SECOND

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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.

Source: A WELL within the MCALISTER SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	39 E	WM	19	SW NE	1380 FEET SOUTH AND 1300 FEET EAST FROM THE N1/4 CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	20	NW SW	6.00

5. Temporary Transfer Application T-12060 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	18	SE NE	6.0

6. A change in point appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12060 proposes to move the authorized point of appropriation approximately 0.6 mile, south to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	39 E	WM	18	NE SE	1509 FEET NORTH AND 443 FEET EAST FROM THE S1/4 CORNER OF SECTION 18

Temporary Transfer Review Criteria

7. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed changes would not result in enlargement of the right.
10. 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.

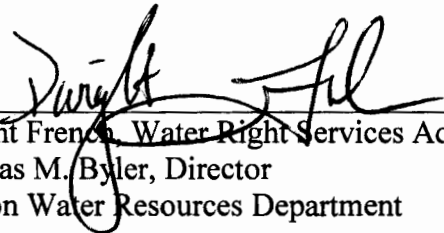
Conclusions of Law

The temporary changes in place of use and point of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-12060 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 appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-12060 are approved.
2. The former place of use **shall not** be irrigated as part of this water right 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. The authorization to use the temporary point of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 87413 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 Certificate 87413.
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. The use of the remaining water right described by Certificate 87413 shall continue to be in accordance with the terms and conditions of Certificate 87413.

Dated at Salem, Oregon this 27 day of August 2015.


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

Mailing Date: AUG 31 2015