

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-14005, Union County)	TEMPORARY CHANGES IN PLACE OF USE
)	AND POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 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 diversion 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

BARKER FAMILY TRUST
62824 MT GLENN RD
LA GRANDE, OR 97850

Findings of Fact

1. On May 23, 2022, BARKER FAMILY TRUST filed an application to temporarily change the place of use and change the point of diversion to serve the proposed place of use under Certificates 67641 and 80957 for a period of 5 years. The Department assigned the application number T-14005.
2. Notice of the application for transfer was published on May 31, 2022, pursuant to OAR 690-380-4000.
3. The applicant identified Certificate 67641, as a part of this application, however, Certificate 67641 was superseded by Certificate 88912. This application will involve a portion of Certificate 88912.

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.

4. The portion of the first right to be temporarily transferred is as follows:

Certificate: 88912 in the name of ORODELL DITCH ASSOCIATION (confirmed by the Grande Ronde River Decree at Volume 8, at Page 1)

Use: IRRIGATION of 12.0 ACRES

Priority Date: 1872

Limit/Duty: The use is limited to 3 acre-feet per acre in any irrigation season, diverted at the rate of not to exceed ONE-FORTIETH of a cubic foot per second per acre or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: the 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	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	28	NW SW	2.0
2 S	38 E	WM	28	NW SW	10.0
Total					12.0

5. Temporary Transfer Application T-14005 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	16	SW SE	10.0
3 S	38 E	WM	16	SE SE	2.0
Total					12.0

6. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14005 proposes to move the authorized point of diversion approximately 385.0 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	38 E	WM	31	SW SW	GEKELER DITCH AND GRANDE RONDE DITCH - 400 FEET NORTH AND 200 FEET EAST FROM THE SW CORNER OF SECTION 31

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

Certificate: 80957 in the name of ROBERT CARVER (confirmed by the Grande Ronde River Decree in Volume 8, at Page 1)

Use: IRRIGATION of 25.6 ACRES

Priority Date: 1872

Limit/Duty: The use is limited to 3 acre-feet per acre in any irrigation season, diverted at the rate of not to exceed ONE-FORTIETH of a cubic foot per second per acre or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: the 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	NEW 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	28	NW SW	25.6

8. Temporary Transfer Application T-14005 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	16	SE SE	25.6

9. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14005 proposes to move the authorized points of diversion approximately 385.0 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	38 E	WM	31	SW SW	GEKELER DITCH AND GRANDE RONDE DITCH – 400 FEET SOUTH AND 200 FEET EAST FROM THE SW CORNER OF SECTION 31

Temporary Transfer Review Criteria

10. 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.
11. A ditch, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.

12. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
13. 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 points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14005 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

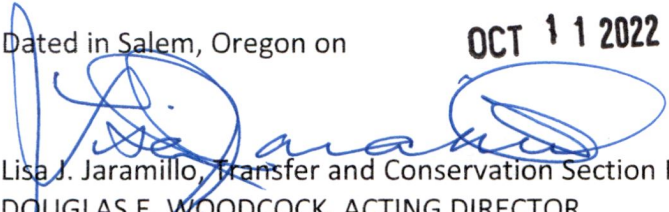
Now, therefore, it is ORDERED:

1. The temporary change in places of use and change in points of diversion to convey water to the temporary places of use proposed in Temporary Transfer Application T-14005 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season. The authorization to use the additional point of diversion 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. The quantity of water diverted at the proposed temporary points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificates 88912 and 80957 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.
7. 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 88912 and 80957
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.

9. The use of the remaining water rights described by Certificates 88912 and 80957 shall continue to be in accordance with the terms and conditions of Certificates 88912 and 80957.

Dated in Salem, Oregon on

OCT 11 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date:

OCT 13 2022