

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-12151, Baker County)	EMERGENCY USE DROUGHT
)	TEMPORARY CHANGES IN PLACE
)	OF USE

Authority

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

Applicant

STEVE SHARP
36975 SULLIVAN LN
RICHLAND, OR 97870

Findings of Fact

1. On August 31, 2015, STEVE SHARP filed an application to temporarily change the place of use under Certificates 83363 and 89274 for the remainder of the 2015 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-12151.
2. Notice of the application for transfer was published on September 15, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be temporarily transferred is as follows:

Certificate: 83363 in the name of PAUL KNOBLAUCH (perfected under Powder River Decree)
Use: IRRIGATION of 19.5 ACRES
Priority Date: 1881
Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre, or its equivalent in case of rotation, measured

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.

at the point of diversion and shall be subject to all other conditions and limitations contained in said decree.

Source: EAGLE CREEK, tributary to the POWDER RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	45 E	WM	24	NE SW	10.0
9 S	45 E	WM	24	NW SE	9.5

4. Certificate 83363 does not describe the location of the point of diversion, however information is available from the applicant indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	45 E	WM	10	SE NW	940 FEET NORTH AND 190 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 10

5. Temporary Transfer Application T-12151 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	45 E	WM	24	SE SW	19.5

6. The second right to be temporarily transferred is as follows:

Certificate: 89274 in the name of BOB AND VINA MORRISON (perfected under Powder River Decree)

Use: IRRIGATION of 19.5 ACRES

Priority Date: 1885

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second per acre, or its equivalent in case of rotation, measured at the point of diversion.

Source: EAGLE CREEK, tributary to POWDER RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	45 E	WM	10	SE NW	KAY YOUNG DITCH - 940 FEET NORTH AND 190 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	45 E	WM	24	SE SW	19.5

7. Temporary Transfer Application T-12151 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	45 E	WM	24	NE SW	10.0
9 S	45 E	WM	24	NW SE	9.5

Temporary Drought Transfer Review Criteria

8. 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.
9. A ditch system sufficient to use the full amount of water allowed under the existing rights are present.
10. The Governor issued an executive order on April 20, 2015, declaring a state of drought emergency in Baker County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
11. The proposed changes, as conditioned, would not result in enlargement of the rights.
12. 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 OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

Conclusions of Law

The temporary changes in places of use proposed in Temporary Drought Transfer Application T-12151 are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

Now, therefore, it is ORDERED:

1. The temporary changes in places of use, proposed in Temporary Drought Transfer Application T-12151 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the remainder of the 2015 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
4. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 83363 and 89274.

5. The proposed changes in place of use shall revert to the authorized places of use, at the end of the 2015 irrigation season or the end of the Governor's declared drought, whichever occurs first.
6. The use of the remaining water right described by Certificate 83363 shall continue to be in accordance with the terms and conditions of Certificate 83363.

Dated at Salem, Oregon this 17 day of September, 2015.



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

Mailing Date: SEP 18 2015