

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-11530, Umatilla 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**  
IRON HORSE ACRES, LLC  
C/O JIM REDMAN/JEFF HILLBERG  
301 EAST MAIN STREET  
TURLOCK, CA 95380-4537

**AGENT**  
WILLIAM PORFILY  
PO BOX 643  
STANFIELD, OR 97875

**Findings of Fact**

1. On February 6, 2013, IRON HORSE ACRES, LLC, filed an application to change the place of use under Certificate 49211. The Department assigned the application number T-11530.
2. Notice of the application for transfer was published on February 12, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On May 2, 2013, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11530 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 14, 2013, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The portion of the right to be transferred is as follows:
  - Certificate:** 49211 in the name of RONALD R. REESER (perfected under Permit G-6361)
  - Use:** IRRIGATION of 11.0 ACRES
  - Priority Date:** SEPTEMBER 8, 1975
  - Rate:** 0.124 CUBIC FOOT PER SECOND (cfs); being 0.064 cfs from Well No. 1 and 0.06 cfs from Well No. 2.
  - 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 cfs, 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, provided further that in the event that use of the wells under this right unduly interfere with or cause excessive water level declines in wells of earlier priority in the area, it may become necessary to materially reduce or terminate ground withdrawals from the wells under this permit..

**Source:** WELL NO. 1 and WELL NO. 2 within the BIRCH CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	32 E	WM	7	SW NE	WELL NO. 2: 230 FEET NORTH AND 30 FEET EAST FROM THE CENTER OF SECTION 7
1 S	32 E	WM	8	SE NW	WELL NO. 1: 600 FEET NORTH AND 300 FEET WEST FROM THE CENTER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	7	SE NE	0.7
1 S	32 E	WM	7	SW SW	0.5
1 S	32 E	WM	7	NE SE	1.4
1 S	32 E	WM	7	NW SE	0.8
1 S	32 E	WM	7	SW SE	0.5
1 S	32 E	WM	7	SE SE	2.1
1 S	32 E	WM	8	SW NW	0.5
1 S	32 E	WM	8	NW SW	2.1
1 S	32 E	WM	8	SW SW	2.4
<b>Total Acres:</b>					<b>11.0</b>

6. Transfer Application T-11530 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	7	SW SW	6.9
1 S	32 E	WM	7	SE SW	4.1
<b>Total Acres:</b>					<b>11.0</b>

**Transfer Review Criteria (OAR 690-380-4010)**

- Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-11530.
- The proposed change would not result in enlargement of the right if conditioned so that the end gun serving the 11.0 authorized acres delineated in Finding of Fact #4 is removed.

10. 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-11530 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-11530 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 Certificate 49211 and any related decree.
3. Water right certificate 49211 is cancelled. A new certificate will be issued describing those portions of the right not affected by this transfer.
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 end gun, formerly serving the "from" lands as identified in Finding of Fact #4 shall be removed.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2014**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17 day of June, 2013.

  
Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: JUL 02 2013