

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

|                                       |   |                              |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application | ) | FINAL ORDER APPROVING A      |
| T-10574, Union County                 | ) | TEMPORARY 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 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

MIKE BECKER  
10406 NORTH MCALISTER ROAD  
LA GRANDE OR 97850

**Agent**

GREG BLACKMAN  
2006 ADAMS AVENUE  
LA GRANDE OR 97850

**Findings of Fact**

1. On March 24, 2008, Mike Becker filed an application to temporarily change the place of use under Certificates 79512 and 42444 for a period of five years. The Department assigned the application number T-10574.
2. On May 13, 2008, the applicant submitted a revised map identifying 2.5 acres for transfer and removed Certificate 79512 from the transfer application.

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

**Certificate:** 42444 in the name of HELEN MCCLUNE (perfected under Permit S-36357)

**Use:** IRRIGATION of 2.5 ACRES

**Priority Date:** JULY 13, 1971

**Rate:** 0.03 CUBIC FOOT PER SECOND (cfs)

**Limit/Duty:** ONE-FORTIETH cfs per acre, not to exceed 3 acre-feet per acre during the irrigation season of each year

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

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.

**Authorized Point of Diversion:**

| Twp | Rng  | Mer | Sec | Q-Q   | Survey Coordinates  |
|-----|------|-----|-----|-------|---|
| 2 S | 38 E | WM  | 31  | SW SW | 800 FEET NORTH AND 160 FEET EAST FROM THE SW CORNER OF SECTION 31 |

**Authorized Place of Use:**

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 2 S        | 38 E | WM  | 31  | NW NE | 2.5   |

- Transfer Application T-10574 proposes to change the place of use of the right within:

| IRRIGATION |      |     |     |       |       |
|------------|------|-----|-----|-------|-------|
| Twp        | Rng  | Mer | Sec | Q-Q   | Acres |
| 2 S        | 38 E | WM  | 31  | NW NE | 2.5   |

- Notice of the application for temporary transfer was published on April 8, 2008, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- Water has been used within the last five years according to the terms and conditions of the right, and 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 are present.
- The proposed change would not result in enlargement of the right.
- The proposed change 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

**Conclusions of Law**


The temporary change in place of use proposed in Transfer Application T-10574 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

- The change in place of use proposed in application T-10574 is approved.
- The former place of use **shall not** be irrigated as part of this water right during the 2008, 2009, 2010, 2011 and 2012 irrigation seasons.
- The use shall revert to the authorized place of use at the end of the 2012 irrigation season.
- The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

5. A subsequent application for permanent transfer of Certificate 42444 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 42444.
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 water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
9. The use of the remaining water right described by Certificate 42444 shall continue to be in accordance with the terms and conditions of Certificate 42444.

Dated at Salem, Oregon this 27<sup>th</sup> day of May, 2008.

  
Phillip C. Ward, Director

Mailing Date JUN 26 2008