

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A  
T-13519, Malheur County                                 )     CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

LEROY MCBRIDE  
447 RIDGEWAY  
ONTARIO, OR 97914

**Findings of Fact**

1. On September 8, 2020, LEROY MCBRIDE filed an application to change the place of use under Certificate 31088. The Department assigned the application number T-13519.
2. Notice of the application for transfer was published on September 22, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 8, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13519 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 10, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On May 11, 2021, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13519 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department’s weekly notice on May 11, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

5. The right to be transferred is as follows:

**Certificate:** 31088 in the name of CHARLES W. and CHRISTINE MOORE (perfected under Permit G-1509)

**Use:** IRRIGATION of 37.0 ACRES

**Priority Date:** NOVEMBER 4, 1959

**Rate:** 0.46 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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:** MOORE SUMP NO. 1 a tributary of SNAKE RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	45 E	WM	13	SE NW	27.5 CHAINS SOUTH AND 7 CHAINS WEST FROM THE N1/4 CORNER OF SECTION 13

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
18 S	45 E	WM	13	SW NE	15.0
18 S	45 E	WM	13	SE NW	22.0
Total					37.0

6. Transfer Application T-13519 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
18 S	45 E	WM	13	NE NW	4.5
18 S	45 E	WM	13	SE NW	32.5
Total					37.0

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

7. Water has been used within the last five years. There is no information in the record 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 was present within the five-year period prior to submittal of Transfer Application T-13519.
9. The proposed change would not result in enlargement of the right as conditioned.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.



