

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

In the Matter of Transfer Application)
T-9601, Morrow County)

**ORDER REVERTING POINT OF
DIVERSION**

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the change authorized under a transfer is not completed.

Applicant

PORT OF MORROW
PO BOX 200, 2 MARINE DRIVE
BOARDMAN, OR 97818

Findings of Fact

1. On January 12, 2004, Port of Morrow filed an application to change the place of use, to change the point of diversion from surface water (Diversion #1 – Columbia River) to two points of appropriation (POA #1 – Toadvin Pond (South Farm) and POA #2 – Mining Pond (North Farm)), and to change the character of use to municipal use under Certificate 76360. Affidavits were also submitted with the transfer application to cancel certain portions of Certificate 76360. The Department assigned the application number T-9601.
2. On November 29, 2004, the Water Resources Department issued an order approving the proposed changes and cancelling a portion of Certificate 76360. The order was recorded in Special Order Volume 62, Page 236.
3. On March 15, 2007, the Department issued an order approving an extension of time for Transfer Application T-9601. The order was recorded in Special Order Volume 71, Page 353.
4. On June 15, 2015, the Port of Morrow submitted a Claim of Beneficial Use (Claim) report and map which notified the Department that under T-9601, the change of the surface water point of diversion (Diversion #1 – Columbia River) to the point of appropriation POA #2 – Mining Pond would not be completed and requested that the proposed point of appropriation revert back to the original point of diversion authorized under Certificate 76360.
5. Pursuant to OAR 690-380-6010(6), the proposed point of appropriation, POA #2 – Mining Pond, shall revert to the last authorized point of diversion under Certificate 76360.

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.

6. The portion of Transfer Application T-9601 that describes the change in place of use of 2183.0 acres (North Farm) that is reverting back to the original point of diversion is as follows:

IRRIGATION (PRIMARY)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	25 E	WM	1	NE NE	1	30.3
4 N	25 E	WM	1	NW NE	2	33.8
4 N	25 E	WM	1	SW NE		34.3
4 N	25 E	WM	1	SE NE		20.0
4 N	25 E	WM	1	NE NW	3	0.8
4 N	25 E	WM	1	NW NW	4	5.9
4 N	25 E	WM	1	SW NW		25.1
4 N	25 E	WM	1	SE NW		37.3
4 N	25 E	WM	1	NE SW		35.8
4 N	25 E	WM	1	NW SW		18.3
4 N	25 E	WM	1	NE SE		35.4
4 N	25 E	WM	1	NW SE		34.7
4 N	25 E	WM	1	SW SE		11.7
4 N	25 E	WM	1	SE SE		33.8
4 N	25 E	WM	2	NE NE	1	35.5
4 N	25 E	WM	2	NW NE		3.3
4 N	25 E	WM	2	SE NE		29.3
4 N	25 E	WM	12	NE NE		38.1
4 N	25 E	WM	12	NW NE		17.5
4 N	25 E	WM	12	SW NE		9.2
4 N	25 E	WM	12	SE NE		15.2
4 N	25 E	WM	12	SE NW		0.1
4 N	26 E	WM	4	SW NW		12.8
4 N	26 E	WM	4	NW SW		0.5
4 N	26 E	WM	4	SW SW		31.2
4 N	26 E	WM	5	SW NE		2.4
4 N	26 E	WM	5	NE SW		13.6
4 N	26 E	WM	5	NW SW		20.7
4 N	26 E	WM	5	SW SW		9.7
4 N	26 E	WM	5	SE SW		1.7
4 N	26 E	WM	5	NE SE		0.4
4 N	26 E	WM	5	NW SE		29.4
4 N	26 E	WM	5	SW SE		18.2
4 N	26 E	WM	5	SE SE		36.5
4 N	26 E	WM	6	SW NE		0.5
4 N	26 E	WM	6	SE NE		6.6
4 N	26 E	WM	6	NE NW	3	31.1
4 N	26 E	WM	6	NW NW	4	34.5
4 N	26 E	WM	6	SW NW	5	12.0
4 N	26 E	WM	6	SE NW		8.5
4 N	26 E	WM	6	NE SW		32.4
4 N	26 E	WM	6	NW SW	6	30.9
4 N	26 E	WM	6	SW SW	7	39.7
4 N	26 E	WM	6	SE SW		40.1
4 N	26 E	WM	6	NE SE		34.3
4 N	26 E	WM	6	NW SE		31.0
4 N	26 E	WM	6	SW SE		33.7
4 N	26 E	WM	6	SE SE		18.0
4 N	26 E	WM	7	NE NE		36.3

IRRIGATION (PRIMARY)						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	7	NW NE		32.9
4 N	26 E	WM	7	SW NE		29.6
4 N	26 E	WM	7	SE NE		24.6
4 N	26 E	WM	7	NE NW		30.6
4 N	26 E	WM	7	NW NW	1	29.3
4 N	26 E	WM	7	SW NW	2	30.5
4 N	26 E	WM	7	SE NW		40.9
4 N	26 E	WM	7	NE SW		11.2
4 N	26 E	WM	7	NW SW	3	0.4
4 N	26 E	WM	7	NE SE		15.7
4 N	26 E	WM	7	NW SE		0.9
4 N	26 E	WM	7	SE SE		0.6
4 N	26 E	WM	8	NE NE		34.9
4 N	26 E	WM	8	NW NE		39.1
4 N	26 E	WM	8	SW NE		19.4
4 N	26 E	WM	8	SE NE		23.0
4 N	26 E	WM	8	NE NW		17.6
4 N	26 E	WM	8	NW NW		21.7
4 N	26 E	WM	8	SW NW		21.2
4 N	26 E	WM	8	SE NW		30.2
4 N	26 E	WM	8	NE SW		34.4
4 N	26 E	WM	8	NW SW		30.5
4 N	26 E	WM	8	SW SW		6.5
4 N	26 E	WM	8	SE SW		14.9
4 N	26 E	WM	8	NE SE		34.2
4 N	26 E	WM	8	NW SE		33.3
4 N	26 E	WM	8	SW SE		32.5
4 N	26 E	WM	8	SE SE		33.5
4 N	26 E	WM	9	NE NE		12.7
4 N	26 E	WM	9	NW NE		2.8
4 N	26 E	WM	9	SW NE		35.9
4 N	26 E	WM	9	SE NE		38.3
4 N	26 E	WM	9	NE NW		0.4
4 N	26 E	WM	9	NW NW		27.4
4 N	26 E	WM	9	SW NW		25.9
4 N	26 E	WM	9	SE NW		28.4
4 N	26 E	WM	9	NE SW		36.8
4 N	26 E	WM	9	NW SW		37.1
4 N	26 E	WM	9	SW SW		31.2
4 N	26 E	WM	9	SE SW		32.2
4 N	26 E	WM	9	NE SE		30.5
4 N	26 E	WM	9	NW SE		36.4
4 N	26 E	WM	9	SW SE		30.0
4 N	26 E	WM	9	SE SE		30.8
Total						2183.0

7. The portion of Transfer Application T-9601 that describes the change in character of use from irrigation of 92.8 acres to municipal use is located as follows:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
4 N	25 E	WM	1	ALL
4 N	25 E	WM	2	ALL
4 N	25 E	WM	3	S½ S½ N½ SE¼
4 N	25 E	WM	3	S½ SE¼
4 N	25 E	WM	3	S½ S½ N½ SW¼
4 N	25 E	WM	3	S½ SW¼
4 N	25 E	WM	4	S½ S½ N½ SE¼
4 N	25 E	WM	4	S½ NE¼ SW¼
4 N	25 E	WM	4	SE¼ SW¼
4 N	25 E	WM	9	N½ NE¼
4 N	25 E	WM	9	N½S½NE¼
4 N	25 E	WM	9	NE¼ NW¼
4 N	25 E	WM	9	N½ SE¼ NW¼
4 N	25 E	WM	10	ALL
4 N	25 E	WM	11	ALL
4 N	25 E	WM	12	ALL
4 N	25 E	WM	13	ALL
4 N	25 E	WM	14	ALL
4 N	25 E	WM	15	ALL
4 N	25 E	WM	22	ALL
4 N	25 E	WM	23	ALL
4 N	25 E	WM	24	ALL
4 N	26 E	WM	3	NW¼ NW¼ NW¼
4 N	26 E	WM	4	ALL
4 N	26 E	WM	5	ALL
4 N	26 E	WM	6	ALL
4 N	26 E	WM	7	ALL, NORTH OF STATE HIGHWAY #730 AND U.P.R.R.
4 N	26 E	WM	8	ALL, NORTH OF U.P.R.R.
4 N	26 E	WM	9	ALL
4 N	26 E	WM	18	NW¼, SOUTH OF FRONTAGE ROAD
5 N	26 E	WM	31	ALL, SOUTH OF COLUMBIA BLVD
5 N	26 E	WM	32	ALL
5 N	26 E	WM	33	ALL

Conclusion of Law


The request to revert the point of appropriation approved by Transfer Application T-9601, for the right described by Certificate 76360, is consistent with the requirements of OAR 690-380-6010(6).

Now, therefore, it is ORDERED:

1. The point of appropriation (POA #2 – Mining Pond) authorized under Transfer Application T-9601 for the right described by Certificate 76360 is reverted to the point of diversion (Diversion #1 – Columbia River) authorized under the right prior to the transfer.

2. The reverted point of diversion (Diversion #1 – Columbia River) shall serve the proposed place of use and character of use approved by Transfer Application T-9601.
3. The approved change in surface water point of diversion to a groundwater appropriation for POA #1 – Toadvin Pond, change in place of use, change in character of use, partial cancellation of Water Right Certificate 76360 and Water Right Permit G-12729, and all other terms and conditions of Special Order 62, page 236, approving Transfer Application T-9601, remain unchanged.
4. A certificate shall be issued to confirm the water right.

Dated at Salem, Oregon this 27 day of April, 2016.



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

Mailing date: APR 28 2016

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