

4. On February 27, 2014, the Department issued a Preliminary Determination proposing to approve Transfer T-11652 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 4, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 28605 in the name of HAROLD STILLER (perfected under Permit G-1114)
Use: IRRIGATION of 19.2 ACRES
Priority Date: AUGUST 25, 1958
Rate: 0.157 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: A WELL within the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	35 E	WM	25	SE NE	985 FEET SOUTH AND 25 FEET WEST FROM THE NE CORNER OF SENE OF SECTION 25

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	36 E	WM	30	SW NW	19.2

6. Transfer Application T-11652 proposes to change the authorized point of appropriation approximately 691 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	36 E	WM	30	SW NW	WELL 3: 650 FEET SOUTH AND 610 FEET EAST FROM THE NE CORNER OF THE SE NE OF SECTION 25

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

Certificate: 40813 in the name of HAROLD STILLER (perfected under Permit G-4080)
Use: SUPPLEMENTAL IRRIGATION of 19.2 ACRES
Priority Date: APRIL 10, 1968
Rate: 0.221 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be

limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: A WELL within the WALLA WALLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	36 E	WM	30	SW NW	310 FEET NORTH AND 380 FEET EAST FROM THE W1/4 CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	36 E	WM	30	SW NW	19.2

8. Transfer Application T-11652 proposes an additional point of appropriation approximately 362 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	36 E	WM	30	SW NW	WELL 3: 650 FEET SOUTH AND 610 FEET EAST FROM THE NE CORNER OF THE SE NE OF SECTION 25

Transfer Review Criteria (OAR 690-380-4010)

9. 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 rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11652.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

The change in point of appropriation and additional point of appropriation proposed in Transfer Application T-11652 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of appropriation and additional point of appropriation proposed in Transfer Application T-11652 are 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 Certificates 28605 and 40813 and any related decree.
3. Water right Certificates 28605 and 40813 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. The quantity of water diverted at the new and additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. The proposed well shall be constructed so that it only develops water from the shallow alluvial aquifer overlaying the basalts.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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 changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 7 day of April, 2014.



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

Mailing date: APR 17 2014