

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A CHANGE IN  
T-13593, Umatilla County                                )     POINTS OF APPROPRIATION

**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**

JB LAND LLC  
GREG JUUL  
PO BOX 130  
HERMISTON, OR 97838

**Findings of Fact**

1. On January 4, 2021, JB LAND LLC, GREG JUUL filed an application to change the points of appropriation under Certificates 55009 and 81783. The Department assigned the application number T-13593.
2. Notice of the application for transfer was published on January 26, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 22, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13593 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 22, 2022, for the applicant to respond. The applicant requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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.

4. On February 14, 2023, the Department determined there was a scrivener's error, in identifying the authorized rate for the portion of Certificate 55009 involved in T-13593. There is a remaining right portion of 0.2 acres, so the rate needs to be adjusted to accommodate the remaining right. The Department determined a revised draft Preliminary Determination should be issued.
5. On February 23, 2023, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13593 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of March 27, 2023, for the applicant to respond. The applicant requested the Department proceed with issuance of the Preliminary Determination.
6. On March 9, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-13593 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 14, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the first right to be transferred is as follows:

**Certificate:** 55009 in the name of LEONARD H. WILLIAMS (perfected under Permit G-5045)

**Use:** IRRIGATION of 65.6 ACRES

**Priority Date:** AUGUST 16, 1971

**Rate:** 0.817 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 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, a tributary of UMATILLA RIVER

**Authorized Point of Diversion:**

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	28	NE NE	1300 FEET SOUTH AND 1320 FEET WEST FROM NE THE CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION					
Twtp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	27	NW NW	32.4
4 N	28 E	WM	27	SW NW	33.2
Total:					65.6

8. Transfer Application T-13593 proposes to move the authorized point of appropriation approximately 1200 feet East from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	28	NW NE	NEW WELL 4 – 1270 FEET SOUTH AND 1570 FEET WEST FROM THE NE CORNER OF SECITON 28

9. The second right to be transferred is as follows:

**Certificate:** 81783 in the name of SANDRA SHARP (perfected under Permit G-4337)  
**Use:** IRRIGATION of 82.70 ACRES  
**Priority Date:** SEPTEMBER 27, 1968  
**Rate:** 1.04 CUBIC FEET 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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, a tributary of the UMATILLA RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	28	NE NE	1300 FEET SOUTH AND 1320 FEET WEST FROM THE NE CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	28 E	WM	28	NE NE	35.3
4 N	28 E	WM	28	NW NE	5.1
4 N	28 E	WM	28	SW NE	2.6
4 N	28 E	WM	28	SE NE	39.7
Total:					82.7

10. Transfer Application T-13593 proposes to move the authorized point of appropriation approximately 1200 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	28 E	WM	28	NW NE	NEW WELL 4 – 1270 FEET SOUTH AND 1570 FEET WEST FROM THE NE CORNER OF SECITON 28

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

11. Water has been used within the last five years prior to the submittal of Transfer Application T-13593 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.

12. 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-13593.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

### **Conclusions of Law**

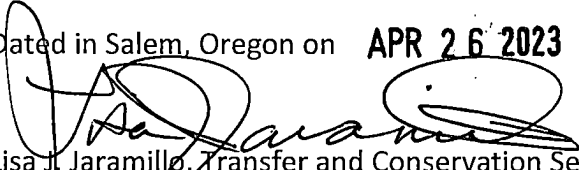
The change in points of appropriation proposed in Transfer Application T-13593 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The changes in points of appropriation proposed in Transfer Application T-13593 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 55009, 81783, and any related decree.
3. The quantity of water diverted at the new point of appropriation (NEW WELL 4), shall not exceed the quantity of water lawfully available at the original point of appropriation (WELL 4).
4. Water right Certificates 55009 and 81783 are cancelled. A new Certificate will be issued describing that portion of Certificate 55009 not affected by this transfer.
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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.

8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **APR 26 2023**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: APR 28 2023