

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

In the Matter of Transfer) FINAL ORDER APPROVING CHANGE
Application) IN POINT OF APPROPRIATION
T-8707, Umatilla County)

Oregon Revised Statutes (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the POINT OF APPROPRIATION under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

TRANSFER 8707 was submitted by:

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The right to be modified, as evidenced by Certificate 80687, was perfected under Permit G-13309 with a date of priority of MARCH 28, 1997. The right allows the use of A WELL, in the UMATILLA

This is a final order in other than 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

DRAIN BASIN, for IRRIGATION OF 17.4 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.22 cubic foot per second, if available at the original well; TL 202 WELL - NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 35, T 5 N, R 28 E, WM; 970 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER, SECTION 35, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is 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. The period of use allowed under this right is March 1 through October 31 of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.4 ACRES
SECTION 35
TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicants propose to change the point of appropriations to:

Tax Lot	Irr. Acres	Rate	Well Locations							
			Town ship		Range		Mer	Sec	¼ ¼	Survey Coordinates
201	1.4	0.020	5	N	28	E	WM	35	NE NE	1030' South and 40' West from the NE Corner Section 35
1200	2.0	0.025	5	N	28	E	WM	35	NE NE	950' South and 300' West from the NE Corner Section 35
1300	2.0	0.025	5	N	28	E	WM	35	NE NE	950' South and 550' West from the NE Corner Section 35
1400	2.0	0.025	5	N	28	E	WM	35	NE NE	950' South and 820' West from the NE Corner Section 35
1500	2.0	0.025	5	N	28	E	WM	35	NE NE	950' South and 1130' West from the NE Corner Section 35
1600	2.0	0.025	5	N	28	E	WM	35	NE NE	1040' South and 1130' West from the NE Corner Section 35
1700	2.0	0.025	5	N	28	E	WM	35	NE NE	1040' South and 820' West from the NE Corner Section 35
1800	2.0	0.025	5	N	28	E	WM	35	NE NE	1040' South and 550' West from the NE Corner Section 35
1900	2.0	0.025	5	N	28	E	WM	35	NE NE	1040' South and 300' West from the NE Corner Section 35
Total	17.4	0.220								

Now, therefore, it is ORDERED:

1. The proposed changes in point of appropriation proposed in application T-8707 are approved.
2. Certificate 80687 is cancelled. A new certificate will be issued describing the portion of the right unaffected by this transfer.

3. The proposed change shall be completed on or before October 1, 2006.
4. The quantity of water diverted at the new point of appropriations (wells), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. Measurement, recording and reporting conditions:
 - A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.
 - B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.
7. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this transfer, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
8. The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.
9. The use shall conform to such reasonable rotation system as

may be ordered by the proper state officer.

10. The Department may require water level or pump test results every ten years.
11. Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.
12. The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
13. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
14. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

WITNESS the signature of the Water Resources

Director, affixed NOVEMBER 22, 2004.


for Phillip C. Ward, Director

Mailing date: NOV 29 2004