

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A CHANGE
T-13510, Umatilla County) IN POINT OF APPROPRIATION TO
) REFLECT HISTORIC USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

Applicant

LYNNE CHAMBERLAIN
PO BOX 1093
WALLA WALLA, WA 99362

Findings of Fact

1. On August 14, 2020, LYNNE CHAMBERLAIN filed a transfer application for authorization of an historic point of appropriation under Certificate 43794. The Department assigned the application number T-13510.
2. Notice of the application for transfer was published on September 1, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be transferred is as follows:

Certificate: 43794 in the name of MARTIN H. AND JANET A. BUCHANAN
(perfected under Permit U-248)
Use: IRRIGATION of 8.7 ACRES
Priority Date: JULY 6, 1948
Rate: 0.11 CUBIC FOOT PER SECOND

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.

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 a tributary of WALLA WALLA RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q
6 N	36 E	WM	20	NW SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	36 E	WM	20	NW SE	8.7

4. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 43794 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 N	36 E	WM	20	NW SE	WELL 1 - 1673 FEET SOUTH AND 311 FEET EAST FROM THE NW CORNER OF SWNE OF SECTION 20

5. Transfer Application T-13224 proposes to move the authorized point of diversion to reflect historical use to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in feet (ft.)
6 N	36 E	WM	20	NW SE	WELL 2 - 1545 FEET SOUTH AND 655 FEET EAST FROM THE NW CORNER OF SWNE OF SECTION 20	350 ft.

Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)

6. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of appropriation for the water right in question, as described in Finding No. 4, has been in use for more than 10 years.
7. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of appropriation, prior to the transfer request.
8. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.


Conclusions of Law

The proposed change in point appropriation to reflect historical use in application T-13510 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

Now, therefore, it is ORDERED:

1. The change proposed in T-13510 is approved and effective immediately.
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 Certificate 43794 and any related decree.
3. Water right certificate 43794 is cancelled. Certificate 95634 will be issued to describe the change in point appropriation for the right included in T-13510.
4. The quantity of water diverted at the new point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
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 diversion.
 - 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.

Dated in Salem, Oregon on **APR 21 2021**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **APR 23 2021**