

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

In the Matter of Transfer Application) FINAL ORDER
T-8078, Malheur County) APPROVING A CHANGE IN PLACE OF
) USE, CHANGES IN POINTS OF
) APPROPRIATION, ADDITIONAL POINTS
) OF APPROPRIATION AND
) CANCELLATION OF WATER RIGHTS.

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

City Of Ontario
444 SW 4th Street
Ontario, Oregon 97914

Findings of Fact

1. On September 8, 1998, the City of Ontario filed a transfer application to change the points of appropriation under Certificates 22879, 32125, 60022, 60023, 60024, 68622, and 80759, and to change the place of use and request additional points of appropriation under Certificate 72138. The Department assigned the application number T-8078.
2. On October 16, 2008, the City of Ontario submitted Exhibits A, B, C, and D to clarify the authorized points of appropriation and current places of use.
3. On October 16, 2008, the applicant also requested a modification to Finding No. 16 that limited ground water production from sources no deeper than 60 feet below land surface. The applicant proposes a limit of ground water production from no deeper than 80 feet below land surface.

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 November 10, 2008, the City of Ontario submitted an amended Exhibit B to correctly describe the current places of use.
5. The first right to be transferred is as follows:

Certificate: 22879 in the name of the City of Ontario (perfected under Permit U-428)
Use: Municipal
Priority Date: March 10, 1952
Quantity: 3.35 cubic feet per second (cfs)
Source: Two wells (tributaries of the Snake River)

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	11	SE NW	2	Well No. 1
18	S	47	E	W.M.	11	SE NW	2	Well No. 2

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	3	SW NW
18 S	47 E	WM	3	SE NW
18 S	47 E	WM	3	NE SW
18 S	47 E	WM	3	NW SW
18 S	47 E	WM	3	SW SW
18 S	47 E	WM	3	SE SW
18 S	47 E	WM	4	SE NE
18 S	47 E	WM	4	SW SW
18 S	47 E	WM	4	SE SW
18 S	47 E	WM	4	NE SE
18 S	47 E	WM	4	NW SE
18 S	47 E	WM	4	SW SE
18 S	47 E	WM	4	SE SE
18 S	47 E	WM	9	NE NE
18 S	47 E	WM	9	NW NE
18 S	47 E	WM	9	SW NE
18 S	47 E	WM	9	SE NE
18 S	47 E	WM	9	NE NW
18 S	47 E	WM	9	SE NW
18 S	47 E	WM	10	NE NW
18 S	47 E	WM	10	NW NW
18 S	47 E	WM	10	SW NW
18 S	47 E	WM	10	SE NW

6. The department received information that better describes the location of the points of appropriation for Certificate 22879 located at:

Township		Range		Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	11	SE NW	2	Muni Well No. 1 – 141 feet South and 1140 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	SE NW	2	Muni Well No. 2 – 158.5 feet South and 1055 feet East from the NW 1/16 Corner of Sec. 11

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

Certificate: 32125 in the name of the City of Ontario (perfected under Permit G-1867)

Use: Municipal

Priority Date: May 24, 1961

Quantity: 2.0 cubic feet per second (cfs)

Source: Municipal Well No. 4, tributary to the Snake River (Columbia River)

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	11	NE NW	1	Muni Well No. 4 – 255 feet South and 1061 feet East from the NW Corner of Lot 1 of Sec. 11

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	3	NE NW
18 S	47 E	WM	3	NW NW
18 S	47 E	WM	3	SW NW
18 S	47 E	WM	3	SE NW
18 S	47 E	WM	3	NE SW
18 S	47 E	WM	3	NW SW
18 S	47 E	WM	3	SW SW
18 S	47 E	WM	3	SE SW
18 S	47 E	WM	3	SW SE
18 S	47 E	WM	4	NE NE
18 S	47 E	WM	4	NW NE
18 S	47 E	WM	4	SW NE
18 S	47 E	WM	4	SE NE
18 S	47 E	WM	4	SE NW
18 S	47 E	WM	4	NE SW
18 S	47 E	WM	4	NW SW
18 S	47 E	WM	4	SW SW
18 S	47 E	WM	4	SE SW
18 S	47 E	WM	4	NE SE
18 S	47 E	WM	4	NW SE
18 S	47 E	WM	4	SW SE
18 S	47 E	WM	4	SE SE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	9	NE NE
18 S	47 E	WM	9	NW NE
18 S	47 E	WM	9	SW NE
18 S	47 E	WM	9	SE NE
18 S	47 E	WM	9	NE NW
18 S	47 E	WM	9	NW NW
18 S	47 E	WM	9	SW NW
18 S	47 E	WM	9	SE NW
18 S	47 E	WM	9	NE SE
18 S	47 E	WM	10	NE NE
18 S	47 E	WM	10	NW NE
18 S	47 E	WM	10	SW NE
18 S	47 E	WM	10	SE NE
18 S	47 E	WM	10	NE NW
18 S	47 E	WM	10	NW NW
18 S	47 E	WM	10	SW NW
18 S	47 E	WM	10	SE NW
18 S	47 E	WM	10	NW SW
18 S	47 E	WM	11	NE NW
18 S	47 E	WM	11	NW NW
18 S	47 E	WM	11	SW NW
18 S	47 E	WM	11	SE NW

8. The third right to be transferred is as follows:

Certificate: 60022 in the name of the City of Ontario

Use: Municipal

Priority Date: April 14, 1975

Quantity: 1.10 cubic feet per second (cfs), being 0.44 cfs from Well 8 and 0.66 cfs from Well 9

Source: Wells 8 and 9, in the Snake River Basin

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	11	NE NW	1	Well 8 – North 49 Degrees 50 Minutes East, 1221.5 feet from the SW Corner of Lot 1
18	S	47	E	W.M.	11	NE NW	1	Well 9 – North 64 Degrees 35 Minutes East, 1151.4 feet from the SW Corner of Lot 1

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
17 S	47 E	WM	33	NW NE
17 S	47 E	WM	33	SW NE
17 S	47 E	WM	33	NE NW
17 S	47 E	WM	33	SE NW
17 S	47 E	WM	33	NE SW
17 S	47 E	WM	33	NE SE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
17 S	47 E	WM	33	NW SE
17 S	47 E	WM	33	SW SE
17 S	47 E	WM	33	SE SE
18 S	47 E	WM	2	SW SW
18 S	47 E	WM	3	NW NE
18 S	47 E	WM	3	SW NE
18 S	47 E	WM	3	NE NW
18 S	47 E	WM	3	NW NW
18 S	47 E	WM	3	SW NW
18 S	47 E	WM	3	SE NW
18 S	47 E	WM	3	NE SW
18 S	47 E	WM	3	NW SW
18 S	47 E	WM	3	SW SW
18 S	47 E	WM	3	SE SW
18 S	47 E	WM	3	NW SE
18 S	47 E	WM	3	SW SE
18 S	47 E	WM	3	SE SE
18 S	47 E	WM	4	NE NE
18 S	47 E	WM	4	NW NE
18 S	47 E	WM	4	SW NE
18 S	47 E	WM	4	SE NE
18 S	47 E	WM	4	SW NW
18 S	47 E	WM	4	SE NW
18 S	47 E	WM	4	NE SW
18 S	47 E	WM	4	NW SW
18 S	47 E	WM	4	SW SW
18 S	47 E	WM	4	SE SW
18 S	47 E	WM	4	NE SE
18 S	47 E	WM	4	NW SE
18 S	47 E	WM	4	SW SE
18 S	47 E	WM	4	SE SE
18 S	47 E	WM	5	SW NE
18 S	47 E	WM	5	SE NE
18 S	47 E	WM	5	NE SW
18 S	47 E	WM	5	SW SW
18 S	47 E	WM	5	SE SW
18 S	47 E	WM	5	NE SE
18 S	47 E	WM	5	NW SE
18 S	47 E	WM	5	SW SE
18 S	47 E	WM	5	SE SE
18 S	47 E	WM	7	NE NE
18 S	47 E	WM	8	NE NE
18 S	47 E	WM	8	NW NE
18 S	47 E	WM	8	NE NW
18 S	47 E	WM	8	NW NW
18 S	47 E	WM	8	NE SE
18 S	47 E	WM	9	NE NE
18 S	47 E	WM	9	NW NE
18 S	47 E	WM	9	SW NE
18 S	47 E	WM	9	SE NE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	9	NE NW
18 S	47 E	WM	9	NW NW
18 S	47 E	WM	9	SW NW
18 S	47 E	WM	9	SE NW
18 S	47 E	WM	9	NE SW
18 S	47 E	WM	9	NW SW
18 S	47 E	WM	9	SW SW
18 S	47 E	WM	9	SE SW
18 S	47 E	WM	9	NE SE
18 S	47 E	WM	9	NW SE
18 S	47 E	WM	9	SW SE
18 S	47 E	WM	10	NE NE
18 S	47 E	WM	10	NW NE
18 S	47 E	WM	10	SW NE
18 S	47 E	WM	10	SE NE
18 S	47 E	WM	10	NE NW
18 S	47 E	WM	10	NW NW
18 S	47 E	WM	10	SW NW
18 S	47 E	WM	10	SE NW
18 S	47 E	WM	10	NE SW
18 S	47 E	WM	10	NW SW
18 S	47 E	WM	10	SW SW
18 S	47 E	WM	10	NE SE
18 S	47 E	WM	10	NW SE
18 S	47 E	WM	10	SW SE
18 S	47 E	WM	10	SE SE
18 S	47 E	WM	11	NE NW
18 S	47 E	WM	11	NW NW
18 S	47 E	WM	11	SW NW
18 S	47 E	WM	11	SE NW
18 S	47 E	WM	11	NW SW
18 S	47 E	WM	15	SE NW
18 S	47 E	WM	15	NW SW

9. The department received information that better describes the location of the points of appropriation for Certificate 60022 located at:

Township		Range		Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	11	NE NW	1	Muni Well No. 8 – 421 feet South and 2320 feet East from the NW Corner of Sec. 11
18	S	47	E	W.M.	11	NE NW	1	Muni Well No. 9 – 709 feet South and 2441 feet East from the NW Corner of Sec. 11

10. The fourth right to be transferred is as follows:

Certificate: 60023 in the name of the City of Ontario (perfected under Permit G-9113)
Use: Municipal
Priority Date: September 18, 1980
Quantity: 0.94 cubic foot per second (cfs)
Source: Well 14, in the Snake River Basin

Authorized Point of Appropriation:

Township	Range	Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	11	NE NW 1 Muni Well No. 14 – 600 feet South and 2550 feet East from NW Corner of Sec. 11

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
17 S	47 E	WM	33	NW NE
17 S	47 E	WM	33	SW NE
17 S	47 E	WM	33	NE NW
17 S	47 E	WM	33	SE NW
17 S	47 E	WM	33	NE SW
17 S	47 E	WM	33	NE SE
17 S	47 E	WM	33	NW SE
17 S	47 E	WM	33	SW SE
17 S	47 E	WM	33	SE SE
18 S	47 E	WM	2	SW SW
18 S	47 E	WM	3	NW NE
18 S	47 E	WM	3	SW NE
18 S	47 E	WM	3	NE NW
18 S	47 E	WM	3	NW NW
18 S	47 E	WM	3	SW NW
18 S	47 E	WM	3	SE NW
18 S	47 E	WM	3	NE SW
18 S	47 E	WM	3	NW SW
18 S	47 E	WM	3	SW SW
18 S	47 E	WM	3	SE SW
18 S	47 E	WM	3	NW SE
18 S	47 E	WM	3	SW SE
18 S	47 E	WM	3	SE SE
18 S	47 E	WM	4	NE NE
18 S	47 E	WM	4	NW NE
18 S	47 E	WM	4	SW NE
18 S	47 E	WM	4	SE NE
18 S	47 E	WM	4	SW NW
18 S	47 E	WM	4	SE NW
18 S	47 E	WM	4	NE SW
18 S	47 E	WM	4	NW SW
18 S	47 E	WM	4	SW SW
18 S	47 E	WM	4	SE SW
18 S	47 E	WM	4	NE SE
18 S	47 E	WM	4	NW SE

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	4	SW SE
18 S	47 E	WM	4	SE SE
18 S	47 E	WM	5	SW NE
18 S	47 E	WM	5	SE NE
18 S	47 E	WM	5	NE SW
18 S	47 E	WM	5	SW SW
18 S	47 E	WM	5	SE SW
18 S	47 E	WM	5	NE SE
18 S	47 E	WM	5	NW SE
18 S	47 E	WM	5	SW SE
18 S	47 E	WM	5	SE SE
18 S	47 E	WM	7	NE NE
18 S	47 E	WM	8	NE NE
18 S	47 E	WM	8	NW NE
18 S	47 E	WM	8	NE NW
18 S	47 E	WM	8	NW NW
18 S	47 E	WM	8	NE SE
18 S	47 E	WM	9	NE NE
18 S	47 E	WM	9	NW NE
18 S	47 E	WM	9	SW NE
18 S	47 E	WM	9	SE NE
18 S	47 E	WM	9	NE NW
18 S	47 E	WM	9	NW NW
18 S	47 E	WM	9	SW NW
18 S	47 E	WM	9	SE NW
18 S	47 E	WM	9	NE SW
18 S	47 E	WM	9	NW SW
18 S	47 E	WM	9	SW SW
18 S	47 E	WM	9	SE SW
18 S	47 E	WM	9	NE SE
18 S	47 E	WM	9	NW SE
18 S	47 E	WM	9	SW SE
18 S	47 E	WM	10	NE NE
18 S	47 E	WM	10	NW NE
18 S	47 E	WM	10	SW NE
18 S	47 E	WM	10	SE NE
18 S	47 E	WM	10	NE NW
18 S	47 E	WM	10	NW NW
18 S	47 E	WM	10	SW NW
18 S	47 E	WM	10	SE NW
18 S	47 E	WM	10	NE SW
18 S	47 E	WM	10	NW SW
18 S	47 E	WM	10	SW SW
18 S	47 E	WM	10	NE SE
18 S	47 E	WM	10	NW SE
18 S	47 E	WM	10	SW SE
18 S	47 E	WM	10	SE SE
18 S	47 E	WM	11	NE NW
18 S	47 E	WM	11	NW NW
18 S	47 E	WM	11	SW NW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	11	SE NW
18 S	47 E	WM	11	NW SW
18 S	47 E	WM	15	SE NW
18 S	47 E	WM	15	NW SW

11. The fifth right to be transferred is as follows:

Certificate: 60024 in the name of the City of Ontario (perfected under Permit G-9114)

Use: Municipal

Priority Date: September 18, 1980

Quantity: 0.78 cubic foot per second (cfs)

Source: Well 13, in the Snake River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	11	NE NW	1	Muni Well No. 13 – 1130 feet South and 2590 feet East from NW Corner of Sec. 11

Authorized Place of Use:

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
17 S	47 E	WM	33	NW NE
17 S	47 E	WM	33	SW NE
17 S	47 E	WM	33	NE NW
17 S	47 E	WM	33	SE NW
17 S	47 E	WM	33	NE SW
17 S	47 E	WM	33	NE SE
17 S	47 E	WM	33	NW SE
17 S	47 E	WM	33	SW SE
17 S	47 E	WM	33	SE SE
18 S	47 E	WM	2	SW SW
18 S	47 E	WM	3	NW NE
18 S	47 E	WM	3	SW NE
18 S	47 E	WM	3	NE NW
18 S	47 E	WM	3	NW NW
18 S	47 E	WM	3	SW NW
18 S	47 E	WM	3	SE NW
18 S	47 E	WM	3	NE SW
18 S	47 E	WM	3	NW SW
18 S	47 E	WM	3	SW SW
18 S	47 E	WM	3	SE SW
18 S	47 E	WM	3	NW SE
18 S	47 E	WM	3	SW SE
18 S	47 E	WM	3	SE SE
18 S	47 E	WM	4	NE NE
18 S	47 E	WM	4	NW NE
18 S	47 E	WM	4	SW NE
18 S	47 E	WM	4	SE NE
18 S	47 E	WM	4	SW NW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	4	SE NW
18 S	47 E	WM	4	NE SW
18 S	47 E	WM	4	NW SW
18 S	47 E	WM	4	SW SW
18 S	47 E	WM	4	SE SW
18 S	47 E	WM	4	NE SE
18 S	47 E	WM	4	NW SE
18 S	47 E	WM	4	SW SE
18 S	47 E	WM	4	SE SE
18 S	47 E	WM	5	SW NE
18 S	47 E	WM	5	SE NE
18 S	47 E	WM	5	NE SW
18 S	47 E	WM	5	SW SW
18 S	47 E	WM	5	SE SW
18 S	47 E	WM	5	NE SE
18 S	47 E	WM	5	NW SE
18 S	47 E	WM	5	SW SE
18 S	47 E	WM	5	SE SE
18 S	47 E	WM	7	NE NE
18 S	47 E	WM	8	NE NE
18 S	47 E	WM	8	NW NE
18 S	47 E	WM	8	NE NW
18 S	47 E	WM	8	NW NW
18 S	47 E	WM	8	NE SE
18 S	47 E	WM	9	NE NE
18 S	47 E	WM	9	NW NE
18 S	47 E	WM	9	SW NE
18 S	47 E	WM	9	SE NE
18 S	47 E	WM	9	NE NW
18 S	47 E	WM	9	NW NW
18 S	47 E	WM	9	SW NW
18 S	47 E	WM	9	SE NW
18 S	47 E	WM	9	NE SW
18 S	47 E	WM	9	NW SW
18 S	47 E	WM	9	SW SW
18 S	47 E	WM	9	SE SW
18 S	47 E	WM	9	NE SE
18 S	47 E	WM	9	NW SE
18 S	47 E	WM	9	SW SE
18 S	47 E	WM	10	NE NE
18 S	47 E	WM	10	NW NE
18 S	47 E	WM	10	SW NE
18 S	47 E	WM	10	SE NE
18 S	47 E	WM	10	NE NW
18 S	47 E	WM	10	NW NW
18 S	47 E	WM	10	SW NW
18 S	47 E	WM	10	SE NW
18 S	47 E	WM	10	NE SW
18 S	47 E	WM	10	NW SW
18 S	47 E	WM	10	SW SW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
18 S	47 E	WM	10	NE SE
18 S	47 E	WM	10	NW SE
18 S	47 E	WM	10	SW SE
18 S	47 E	WM	10	SE SE
18 S	47 E	WM	11	NE NW
18 S	47 E	WM	11	NW NW
18 S	47 E	WM	11	SW NW
18 S	47 E	WM	11	SE NW
18 S	47 E	WM	11	NW SW
18 S	47 E	WM	15	SE NW
18 S	47 E	WM	15	NW SW

12. The sixth right to be transferred is as follows:

Certificate: 68622 in the name of the City of Ontario (perfected under Permit G-999)
Use: Municipal
Priority Date: August 11, 1958
Quantity: 500 gallons per minute (gpm) (see Finding No. 12)
Source: Well 6, in the Snake River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	Q-Q	GLot	Measured distances
18	S	47	E	W.M.	2	SE SW	4	Muni Well No. 6 (68-2) – 264 feet North and 914 feet East from SW Corner of Lot 4

Authorized Place of Use:

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
18 S	47 E	WM	3	NE NW	
18 S	47 E	WM	3	NW NW	
18 S	47 E	WM	3	SW NW	
18 S	47 E	WM	3	SE NW	
18 S	47 E	WM	3	NE SW	
18 S	47 E	WM	3	NW SW	
18 S	47 E	WM	3	SW SW	
18 S	47 E	WM	3	SE SW	
18 S	47 E	WM	3	SW SE	
18 S	47 E	WM	4	NE NE	
18 S	47 E	WM	4	NW NE	
18 S	47 E	WM	4	SW NE	
18 S	47 E	WM	4	SE NE	
18 S	47 E	WM	4	SE NW	
18 S	47 E	WM	4	NE SW	
18 S	47 E	WM	4	NW SW	
18 S	47 E	WM	4	SW SW	
18 S	47 E	WM	4	SE SW	
18 S	47 E	WM	4	NE SE	
18 S	47 E	WM	4	NW SE	
18 S	47 E	WM	4	SW SE	

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
18 S	47 E	WM	4	SE SE	
18 S	47 E	WM	9	NE NE	
18 S	47 E	WM	9	NW NE	
18 S	47 E	WM	9	SW NE	
18 S	47 E	WM	9	SE NE	
18 S	47 E	WM	9	NE NW	
18 S	47 E	WM	9	NW NW	
18 S	47 E	WM	9	SW NW	
18 S	47 E	WM	9	SE NW	
18 S	47 E	WM	9	NE SE	
18 S	47 E	WM	10	NE NE	
18 S	47 E	WM	10	NW NE	
18 S	47 E	WM	10	SW NE	
18 S	47 E	WM	10	SE NE	
18 S	47 E	WM	10	NE NW	
18 S	47 E	WM	10	NW NW	
18 S	47 E	WM	10	SW NW	
18 S	47 E	WM	10	SE NW	
18 S	47 E	WM	10	NW SW	
18 S	47 E	WM	11	NE NW	1
18 S	47 E	WM	11	NW NW	
18 S	47 E	WM	11	SW NW	
18 S	47 E	WM	11	SE NW	2

13. Certificate 32124 allowed the use of 2.25 cubic feet per second (cfs). Transfer Application T-6160 modified this right by changing the point of appropriation. During the final proof process, the surveyor provided a site report dated January 10, 1991 stating that the city perfected 500 gallons per minute (gpm) and requested to defer the remaining portion as allowed under ORS 537.260. This resulted in Certificate 68622 being issued for 500 gpm.
14. Pursuant to 537.260, the City of Ontario requests that the deferred amount of 1.15 cubic feet per second be perfected with the proposed changes identified in Transfer Application T-8078, modifying Certificate 68622.
15. Transfer Application T-8078 proposes to change the authorized points of appropriation of the rights described by Certificates 22879, 32125, 60022, 60023, 60024, and 68622 to:

Township		Range		Meridian	Sec	Q-Q		GLot	Measured distances
18	S	47	E	W.M.	11	SE	NW	2	Municipal Well No. 1 – 141 feet South and 1140 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	SE	NW	2	Municipal Well No. 2 – 158.5 feet South and 1055 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	NE	NW	1	Municipal Well No. 4 – 255 feet South and 1061 feet East from the NW Corner of Lot 1
18	S	47	E	W.M.	2	SE	SW	4	Municipal Well No. 6 (68-2) – 264 feet North and 914 feet East from the SW Corner of Lot

Township		Range		Meridian	Sec	Q-Q		GLot	Measured distances
									4
18	S	47	E	W.M.	11	NE	NW	1	Municipal Well No. 8 – 421 feet South and 2320 feet East from the NW Corner of Sec. 11
18	S	47	E	W.M.	11	NE	NW	1	Municipal Well No. 9 – 709 feet South and 2441 feet East from the NW Corner of Sec. 11
18	S	47	E	W.M.	11	NE	NW	1	Municipal Well No. 13 – 1130 feet South and 2590 feet East from the NW Corner of Sec. 11
18	S	47	E	W.M.	11	NE	NW	1	Municipal Well No. 14 – 600 feet South and 2550 feet East from the NW Corner of Sec. 11
18	S	47	E	W.M.	11	SE	NW	2	Proposed Well No. 15 – 570 feet South and 1040 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	SE	NW	2	Proposed Well No. 16 – 980 feet South and 1000 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	NE	SW	3	Proposed Well No. 17 – 1370 feet South and 930 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	NE	SW	3	Proposed Well No. 18 – 1780 feet South and 770 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	NE	SW	3	Proposed Well No. 19 – 2175 feet South and 660 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	NE	SW	3	Proposed Well No. 20 – 2570 feet South and 600 feet East from the NW 1/16 Corner of Sec. 11
18	S	47	E	W.M.	11	NE	SW	3	Municipal Well 68-1 – 1630 feet South and 900 feet East from the NW Corner of Lot 2
18	S	47	E	W.M.	11	SE	NW	2	Gravel Pit No. 1 – 2382 feet South and 2328 feet East from the NW Corner of Sec. 11
18	S	47	E	W.M.	11	SE	NW	2	Gravel Pit No. 2 – 2447 feet South and 2036 feet East from the NW corner of Sec. 11

16. The Department's Ground Water Section has recommended that the transfer be conditioned so that the proposed points of appropriation only allow production of ground water from no deeper than 60 feet below land surface.

17. Upon review of the request by the City of Ontario to modify the production depth limitation of ground water in the proposed wells described in Finding No. 16. The Department's Ground Water Section has agreed to modify the production depth limitation to 80 feet below land surface, provided that the wells do not develop a confined aquifer. The city should be aware of changes in the lithology as the wells are drilled. If ground water is encountered below significant clay beds with a corresponding static water level change, which may indicate the presence of a confined aquifer, the well should not be completed below the clay bed.
18. The Ontario Service Area has been changed since Certificates 22879, 32125, 60022, 60023, 60024, and 68622 were issued. The department has received information that more accurately describes the current place of use. However, this information does not change the authorized place of use as described under Certificates 22879, 32125, 60022, 60023, 60024, and 68622. The current place of use can be described as:

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
17 S	46 E	WM	22	NE NE	
17 S	46 E	WM	22	NW NE	
17 S	46 E	WM	22	SW NE	
17 S	46 E	WM	22	SE NE	
17 S	46 E	WM	22	NE NW	
17 S	46 E	WM	22	NW NW	
17 S	46 E	WM	22	SW NW	
17 S	46 E	WM	22	SE NW	
17 S	46 E	WM	22	NE SW	
17 S	46 E	WM	22	NW SW	
17 S	46 E	WM	22	SW SW	
17 S	46 E	WM	22	SE SW	
17 S	46 E	WM	22	NE SE	
17 S	46 E	WM	22	NW SE	
17 S	46 E	WM	22	SW SE	
17 S	46 E	WM	22	SE SE	
17 S	46 E	WM	23	NE NE	
17 S	46 E	WM	23	NW NE	
17 S	46 E	WM	23	SW NE	
17 S	46 E	WM	23	SE NE	
17 S	46 E	WM	23	NE NW	
17 S	46 E	WM	23	NW NW	
17 S	46 E	WM	23	SW NW	
17 S	46 E	WM	23	SE NW	
17 S	46 E	WM	23	NE SW	
17 S	46 E	WM	23	NW SW	
17 S	46 E	WM	23	SW SW	
17 S	46 E	WM	23	SE SW	
17 S	46 E	WM	23	NE SE	
17 S	46 E	WM	23	NW SE	
17 S	46 E	WM	23	SW SE	
17 S	46 E	WM	23	SE SE	
17 S	46 E	WM	25	NW NW	
17 S	46 E	WM	25	SW NW	

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
17 S	46 E	WM	25	NW SW	
17 S	46 E	WM	25	SW SW	
17 S	46 E	WM	25	SE SW	
17 S	46 E	WM	25	SW SE	
17 S	46 E	WM	25	SE SE	
17 S	46 E	WM	26	NE NE	
17 S	46 E	WM	26	NW NE	
17 S	46 E	WM	26	SE NE	
17 S	46 E	WM	27	NE NW	
17 S	46 E	WM	27	NW NW	
17 S	46 E	WM	27	SW NW	
17 S	46 E	WM	27	SE NW	
17 S	46 E	WM	36	NE NE	
17 S	46 E	WM	36	NE SE	
17 S	46 E	WM	36	NW SE	
17 S	47 E	WM	29	SW SW	
17 S	47 E	WM	29	SE SW	
17 S	47 E	WM	29	SW SE	
17 S	47 E	WM	29	SE SE	
17 S	47 E	WM	31	NE NE	
17 S	47 E	WM	31	NW NE	
17 S	47 E	WM	31	SW NE	
17 S	47 E	WM	31	SE NE	
17 S	47 E	WM	31	NE NW	
17 S	47 E	WM	31	NW NW	
17 S	47 E	WM	31	SW NW	
17 S	47 E	WM	31	SE NW	
17 S	47 E	WM	31	NE SW	
17 S	47 E	WM	31	NW SW	
17 S	47 E	WM	31	SW SW	
17 S	47 E	WM	31	SE SW	
17 S	47 E	WM	31	NE SE	
17 S	47 E	WM	31	NW SE	
17 S	47 E	WM	31	SW SE	
17 S	47 E	WM	31	SE SE	
17 S	47 E	WM	32	NE NE	
17 S	47 E	WM	32	NW NE	
17 S	47 E	WM	32	SW NE	
17 S	47 E	WM	32	SE NE	
17 S	47 E	WM	32	NE NW	
17 S	47 E	WM	32	NW NW	
17 S	47 E	WM	32	SW NW	
17 S	47 E	WM	32	SE NW	
17 S	47 E	WM	32	NE SW	
17 S	47 E	WM	32	NW SW	
17 S	47 E	WM	32	SW SW	
17 S	47 E	WM	32	SE SW	
17 S	47 E	WM	32	NE SE	
17 S	47 E	WM	32	NW SE	
17 S	47 E	WM	32	SW SE	

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
17 S	47 E	WM	32	SE SE	
17 S	47 E	WM	33	NW NE	
17 S	47 E	WM	33	SW NE	
17 S	47 E	WM	33	NE NW	
17 S	47 E	WM	33	NW NW	
17 S	47 E	WM	33	SW NW	
17 S	47 E	WM	33	SE NW	
17 S	47 E	WM	33	NE SW	
17 S	47 E	WM	33	NW SW	
17 S	47 E	WM	33	SW SW	
17 S	47 E	WM	33	SE SW	
17 S	47 E	WM	33	NE SE	
17 S	47 E	WM	33	NW SE	
17 S	47 E	WM	33	SW SE	
17 S	47 E	WM	33	SE SE	
18 S	47 E	WM	2	SW NW	1
18 S	47 E	WM	2	NE SW	3
18 S	47 E	WM	2	NW SW	2
18 S	47 E	WM	2	SW SW	
18 S	47 E	WM	2	SE SW	4
18 S	47 E	WM	3	NE NE	4
18 S	47 E	WM	3	NW NE	3
18 S	47 E	WM	3	SW NE	
18 S	47 E	WM	3	SE NE	5
18 S	47 E	WM	3	NE NW	2
18 S	47 E	WM	3	NW NW	1
18 S	47 E	WM	3	SW NW	
18 S	47 E	WM	3	SE NW	
18 S	47 E	WM	3	NE SW	
18 S	47 E	WM	3	NW SW	
18 S	47 E	WM	3	SW SW	
18 S	47 E	WM	3	SE SW	
18 S	47 E	WM	3	NE SE	
18 S	47 E	WM	3	NW SE	
18 S	47 E	WM	3	SW SE	
18 S	47 E	WM	3	SE SE	
18 S	47 E	WM	4	NE NE	
18 S	47 E	WM	4	NW NE	
18 S	47 E	WM	4	SW NE	
18 S	47 E	WM	4	SE NE	
18 S	47 E	WM	4	NE NW	
18 S	47 E	WM	4	NW NW	
18 S	47 E	WM	4	SW NW	
18 S	47 E	WM	4	SE NW	
18 S	47 E	WM	4	NE SW	
18 S	47 E	WM	4	NW SW	
18 S	47 E	WM	4	SW SW	
18 S	47 E	WM	4	SE SW	
18 S	47 E	WM	4	NE SE	
18 S	47 E	WM	4	NW SE	

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
18 S	47 E	WM	4	SW SE	
18 S	47 E	WM	4	SE SE	
18 S	47 E	WM	5	NE NE	1
18 S	47 E	WM	5	NW NE	2
18 S	47 E	WM	5	SW NE	
18 S	47 E	WM	5	SE NE	
18 S	47 E	WM	5	NE NW	3
18 S	47 E	WM	5	NW NW	4
18 S	47 E	WM	5	SW NW	
18 S	47 E	WM	5	SE NW	
18 S	47 E	WM	5	NE SW	
18 S	47 E	WM	5	NW SW	
18 S	47 E	WM	5	SW SW	
18 S	47 E	WM	5	SE SW	
18 S	47 E	WM	5	NE SE	
18 S	47 E	WM	5	NW SE	
18 S	47 E	WM	5	SW SE	
18 S	47 E	WM	5	SE SE	
18 S	47 E	WM	6	NE NE	1
18 S	47 E	WM	6	NW NE	2
18 S	47 E	WM	6	SW NE	
18 S	47 E	WM	6	SE NE	
18 S	47 E	WM	6	NE NW	3
18 S	47 E	WM	6	NW NW	4
18 S	47 E	WM	6	SW NW	5
18 S	47 E	WM	6	SE NW	
18 S	47 E	WM	6	NE SW	
18 S	47 E	WM	6	NW SW	6
18 S	47 E	WM	6	SW SW	7
18 S	47 E	WM	6	SE SW	
18 S	47 E	WM	6	NE SE	
18 S	47 E	WM	6	NW SE	
18 S	47 E	WM	6	SW SE	
18 S	47 E	WM	6	SE SE	
18 S	47 E	WM	7	NE NE	
18 S	47 E	WM	7	NW NE	
18 S	47 E	WM	7	SW NE	
18 S	47 E	WM	7	SE NE	
18 S	47 E	WM	7	NE NW	
18 S	47 E	WM	7	NW NW	1
18 S	47 E	WM	7	SW NW	2
18 S	47 E	WM	7	SE NW	
18 S	47 E	WM	7	NE SW	
18 S	47 E	WM	7	NW SW	3
18 S	47 E	WM	7	SW SW	4
18 S	47 E	WM	7	SE SW	
18 S	47 E	WM	7	NE SE	
18 S	47 E	WM	7	NW SE	
18 S	47 E	WM	7	SW SE	
18 S	47 E	WM	7	SE SE	

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
18 S	47 E	WM	8	NE NE	
18 S	47 E	WM	8	NW NE	
18 S	47 E	WM	8	SW NE	
18 S	47 E	WM	8	SE NE	
18 S	47 E	WM	8	NE NW	
18 S	47 E	WM	8	NW NW	
18 S	47 E	WM	8	SW NW	
18 S	47 E	WM	8	SE NW	
18 S	47 E	WM	8	NE SW	
18 S	47 E	WM	8	NW SW	
18 S	47 E	WM	8	SW SW	
18 S	47 E	WM	8	SE SW	
18 S	47 E	WM	8	NE SE	
18 S	47 E	WM	8	NW SE	
18 S	47 E	WM	8	SW SE	
18 S	47 E	WM	8	SE SE	
18 S	47 E	WM	9	NE NE	
18 S	47 E	WM	9	NW NE	
18 S	47 E	WM	9	SW NE	
18 S	47 E	WM	9	SE NE	
18 S	47 E	WM	9	NE NW	
18 S	47 E	WM	9	NW NW	
18 S	47 E	WM	9	SW NW	
18 S	47 E	WM	9	SE NW	
18 S	47 E	WM	9	NE SW	
18 S	47 E	WM	9	NW SW	
18 S	47 E	WM	9	SW SW	
18 S	47 E	WM	9	SE SW	
18 S	47 E	WM	9	NE SE	
18 S	47 E	WM	9	NW SE	
18 S	47 E	WM	9	SW SE	
18 S	47 E	WM	9	SE SE	
18 S	47 E	WM	10	NE NE	
18 S	47 E	WM	10	NW NE	
18 S	47 E	WM	10	SW NE	
18 S	47 E	WM	10	SE NE	
18 S	47 E	WM	10	NE NW	
18 S	47 E	WM	10	NW NW	
18 S	47 E	WM	10	SW NW	
18 S	47 E	WM	10	SE NW	
18 S	47 E	WM	10	NE SW	
18 S	47 E	WM	10	NW SW	
18 S	47 E	WM	10	SW SW	
18 S	47 E	WM	10	SE SW	
18 S	47 E	WM	10	NE SE	
18 S	47 E	WM	10	NW SE	
18 S	47 E	WM	10	SW SE	
18 S	47 E	WM	10	SE SE	
18 S	47 E	WM	11	NE NW	1
18 S	47 E	WM	11	NW NW	

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
18 S	47 E	WM	11	SW NW	2
18 S	47 E	WM	11	NE SW	3
18 S	47 E	WM	11	NW SW	
18 S	47 E	WM	11	SW SW	
18 S	47 E	WM	11	SE SW	4
18 S	47 E	WM	14	NE NW	
18 S	47 E	WM	14	NW NW	
18 S	47 E	WM	14	SW NW	
18 S	47 E	WM	14	SW SW	1
18 S	47 E	WM	15	NE NE	
18 S	47 E	WM	15	NW NE	
18 S	47 E	WM	15	SW NE	
18 S	47 E	WM	15	SE NE	1
18 S	47 E	WM	15	NE NW	
18 S	47 E	WM	15	NW NW	
18 S	47 E	WM	15	SW NW	
18 S	47 E	WM	15	SE NW	
18 S	47 E	WM	15	NW SW	
18 S	47 E	WM	15	SW SW	6
18 S	47 E	WM	15	NE SE	2
18 S	47 E	WM	15	NW SE	
18 S	47 E	WM	16	NE NE	
18 S	47 E	WM	16	NW NE	
18 S	47 E	WM	16	SW NE	
18 S	47 E	WM	16	SE NE	
18 S	47 E	WM	16	NE NW	
18 S	47 E	WM	16	NW NW	
18 S	47 E	WM	16	SW NW	
18 S	47 E	WM	16	SE NW	
18 S	47 E	WM	16	NE SW	
18 S	47 E	WM	16	NW SW	
18 S	47 E	WM	16	SW SW	
18 S	47 E	WM	16	SE SW	
18 S	47 E	WM	16	NE SE	
18 S	47 E	WM	16	NW SE	
18 S	47 E	WM	16	SW SE	
18 S	47 E	WM	16	SE SE	
18 S	47 E	WM	17	NE NE	
18 S	47 E	WM	17	NW NE	
18 S	47 E	WM	17	SW NE	
18 S	47 E	WM	17	SE NE	
18 S	47 E	WM	17	NE NW	
18 S	47 E	WM	17	NW NW	
18 S	47 E	WM	17	SW NW	
18 S	47 E	WM	17	SE NW	
18 S	47 E	WM	17	NE SW	
18 S	47 E	WM	17	NW SW	
18 S	47 E	WM	17	SW SW	
18 S	47 E	WM	17	SE SW	
18 S	47 E	WM	17	NE SE	

MUNICIPAL					
Twp	Rng	Mer	Sec	Q-Q	GLot
18 S	47 E	WM	17	NW SE	
18 S	47 E	WM	17	SW SE	
18 S	47 E	WM	17	SE SE	
18 S	47 E	WM	18	NE NE	
18 S	47 E	WM	18	NW NE	
18 S	47 E	WM	18	SW NE	
18 S	47 E	WM	18	SE NE	
18 S	47 E	WM	21	NW NE	
18 S	47 E	WM	21	SW NE	
18 S	47 E	WM	21	SE NE	
18 S	47 E	WM	21	NE NW	
18 S	47 E	WM	21	NW NW	
18 S	47 E	WM	21	SW NW	
18 S	47 E	WM	21	SE NW	

19. The portion of the seventh right to be transferred is as follows:

Certificate: 80759 in the name of the City of Ontario, (perfected under Permit U-226)

Use: Irrigation of 21.1 Acres

Priority Date: December 15, 1947

Quantity: 0.25 cubic foot per second (cfs)

Rate/Duty: THREE-EIGHTIETHS 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 4.0 acre feet per acre for each acre irrigated during the irrigation season of each year

Source: Four wells, tributary to the Snake River

Authorized Points of Appropriation:

Township	Range	Meridian	Sec	Q-Q
18 S	47 E	W.M.	4	SW SE
18 S	47 E	W.M.	9	SW NE
18 S	47 E	W.M.	9	NE SW

Authorized Place of Use:

IRRIGATION							
Township	Range	Meridian	Sec	Q-Q	Acres	POA	
18 S	47 E	W.M.	4	SW SE	5.6	Well 1 (Lions Park)	
18 S	47 E	W.M.	9	SW NE	0.4	Well 2 (TVCC No. 2)	
18 S	47 E	W.M.	9	SE NW	4.6	Wells 3 and 4 (TVCC No. 3 and Evergreen Cemetery No. 4)	
18 S	47 E	W.M.	9	NE SW	9.6	Wells 3 and 4 (TVCC No. 3 and Evergreen Cemetery No. 4)	
18 S	47 E	W.M.	9	NW SE	0.9	Wells 3 and 4 (TVCC No. 3 and Evergreen Cemetery No. 4)	

20. The department received information that better describes the location of the points of appropriation for the right described by Certificate 80759 located:

Township		Range		Meridian	Sec	Q-Q	Measured distances
18	S	47	E	W.M.	4	SW SE	Lions Park – 225 feet North and 50 feet East from the S¼ Corner of Sec. 4
18	S	47	E	W.M.	9	SW NE	TVCC No. 2 – 1690 feet South and 250 feet East from the N¼ Corner of Sec. 9
18	S	47	E	W.M.	9	SW NE	TVCC No. 3 – 2625 feet South and 450 feet East from the N¼ Corner of Sec. 9
18	S	47	E	W.M.	9	NE SW	Evergreen Cemetery No. 4 – 2900 feet South and 210 feet West from the N¼ Corner of Sec. 9

21. Transfer Application T-8078 proposes to change the authorized points of appropriation to:

Township		Range		Meridian	Sec	Q-Q	Measured distances
18	S	47	E	W.M.	4	SW SE	Lions Park – 225 feet North and 50 feet East from the S¼ Corner of Sec. 4
18	S	47	E	W.M.	9	SE NW	Evergreen Cemetery No. 2 – 612 feet North and 11 feet West from the Center of Sec. 9
18	S	47	E	W.M.	9	NE SW	Evergreen Cemetery No. 4 – 3900 feet South and 210 feet West from the N¼ Corner of Sec. 9
18	S	47	E	W.M.	9	NE SW	Evergreen Cemetery No. 1 – 100 feet South and 2310 feet East from the W¼ Corner of Sec. 9

22. Transfer Application T-8078 proposes to irrigate the authorized place of use as follows:

IRRIGATION								
Township		Range		Meridian	Sec	Q-Q	Acres	POA
18	S	47	E	W.M.	4	SW SE	5.6	Lions Park
18	S	47	E	W.M.	9	SW NE	0.4	Evergreen Cemetery Well Nos. 1, 2, and 4
18	S	47	E	W.M.	9	SE NW	4.6	Evergreen Cemetery Well Nos. 1, 2, and 4
18	S	47	E	W.M.	9	NE SW	9.6	Evergreen Cemetery Well Nos. 1, 2, and 4
18	S	47	E	W.M.	9	NW SE	0.9	Evergreen Cemetery Well Nos. 1, 2, and 4

23. The eighth right to be transferred is as follows:

Certificate: 72138 in the name of the City of Ontario (perfected under Permit G-2616)

Use: Irrigation of 89.7 acres

Priority Date: March 6, 1964

Quantity: 1.12 cubic feet per second, being 0.37 cubic foot per second from Well 2 and 0.75 cubic foot per second from Well 3, the quantity of water diverted at Wells 4 and 5 shall not exceed the quantity of water available from Wells 2 and 3.

Rate/Duty: 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: Four wells, in the Malheur River Basin

Authorized Points of Diversion:

Township		Range		Meridian	Sec	Q-Q	Measured distances
18	S	47	E	W.M.	7	SE NE	GC No. 2 – 1410 feet South and 1475 feet East from the N¼ Corner of Sec. 7
18	S	47	E	W.M.	7	NW SE	GC No. 3 – 670 feet North and 1825 feet East from the SW Corner of the NESW of Sec. 7
18	S	47	E	W.M.	7	SE NW	GC No. 4 – 2934 feet North and 1016 feet West from the S¼ Corner of Sec. 7
18	S	47	E	W.M.	7	SE SE	GC No. 5 – 1279 feet North and 546 feet West from the SE Corner of Sec. 7

Authorized Place of Use:

IRRIGATION							
Township		Range		Meridian	Sec	Q-Q	Acres
18	S	47	E	W.M.	7	NW NE	0.1
18	S	47	E	W.M.	7	SW NE	12.0
18	S	47	E	W.M.	7	SE NE	5.4
18	S	47	E	W.M.	7	NE NW	2.4
18	S	47	E	W.M.	7	SE NW	23.5
18	S	47	E	W.M.	7	NE SW	23.1
18	S	47	E	W.M.	7	NE SE	8.4
18	S	47	E	W.M.	7	NW SE	14.8

24. Transfer Application T-8078 proposes additional points of appropriation for the right described by Certificate 72138 located:

Township		Range		Meridian	Sec	Q-Q	Measured distances
18	S	47	E	W.M.	7	SE NW	GC No. 7 – 3040 feet North and 930 feet West from the S¼ Corner of Sec. 7
18	S	47	E	W.M.	7	NE SE	GC No. 1 – 13 feet South and 933 feet West from the NE Corner of the NESE of Sec. 7
18	S	47	E	W.M.	7	SW NE	GC No. 6 – 2740 feet North and 220 feet East from the S¼ Corner of Sec. 7
18	S	47	E	W.M.	7	SW SE	GC No. 8 – 1140 feet North and 900 feet East from the S¼ Corner of Sec. 7
18	S	47	E	W.M.	7	SW SE	GC No. 9 – 375 feet North and 1100 feet East from the S¼ Corner of Sec. 7

25. Transfer Application T-8078 proposes to change the place of use of the right described by Certificate 72138 to:

IRRIGATION							
Township		Range		Meridian	Sec	Q-Q	Acres
18	S	47	E	W.M.	6	SE SW	0.5
18	S	47	E	W.M.	7	SW NE	7.0
18	S	47	E	W.M.	7	NE NW	10.2
18	S	47	E	W.M.	7	SE NW	23.5
18	S	47	E	W.M.	7	NE SW	23.1
18	S	47	E	W.M.	7	NW SE	14.9
18	S	47	E	W.M.	7	SW SE	10.5

Partial Cancellation of Water Rights

26. An affidavit was received from the City of Ontario, owners of certain land and the water rights appurtenant to it. Certificates 41004, 22880, and 32003 have been abandoned and are requested to be canceled.

The first right to be cancelled is as follows:

Certificate: 41004 in the name of the City of Ontario (perfected by Permit G-4522)

Use: Supplemental irrigation of 17.3 acres

Priority Date: February 21, 1969

Quantity: 0.21 cubic foot per second (cfs)

Rate/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 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.

Source: A well, tributary to the Malheur River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	Q-Q	Measured distances
18	S	47	E	W.M.	7	NE SE	13 feet South and 933 feet West from the NE corner of the NESE of Sec. 7

Authorized Place of Use to be cancelled:

SUPPLEMENTAL IRRIGATION							
Township		Range		Meridian	Sec	Q-Q	Acres
18	S	47	E	W.M.	7	NW NE	0.1
18	S	47	E	W.M.	7	SW NE	3.4
18	S	47	E	W.M.	7	SE NE	5.4
18	S	47	E	W.M.	7	NE SE	8.4

The second right to be cancelled is as follows:

- Certificate:** 22880 in the name of the City of Ontario (perfected by Permit U-429)
- Use:** Supplemental irrigation of 7.57 acres
- Priority Date:** March 10, 1952
- Quantity:** 0.25 cubic foot per second (cfs)
- Rate/Duty:** THREE-EIGHTIETHS of one cfs per acre, not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year; and shall be further limited to a diversion of not to exceed 0.25 cfs.
- Source:** A well, tributary to the Malheur River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	Q-Q
18	S	47	E	W.M.	9	NE SW

Authorized Place of Use to be cancelled:

SUPPLEMENTAL IRRIGATION							
Township		Range		Meridian	Sec	Q-Q	Acres
18	S	47	E	W.M.	9	SW NE	0.53
18	S	47	E	W.M.	9	SE NW	4.6
18	S	47	E	W.M.	9	NE SW	2.22
18	S	47	E	W.M.	9	NW SE	0.22

The third right to be cancelled is as follows:

Certificate: 32003 in the name of the City of Ontario (perfected by Permit G-2044)
Use: Irrigation of 16.2 acres
Priority Date: January 31, 1962
Quantity: 0.20 cubic foot per second
Rate/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year
Source: Well No. 2, tributary to the Snake River

Authorized Point of Diversion:

Township		Range		Meridian	Sec	Q-Q	Measured distances
18	S	47	E	W.M.	9	SE NW	612 feet North and 10.7 feet West from the SE Corner of the NW¼ of Sec. 9

Authorized Place of Use to be cancelled:

IRRIGATION							
Township		Range		Meridian	Sec	Q-Q	Acres
18	S	47	E	W.M.	9	SW NE	0.53
18	S	47	E	W.M.	9	SE NW	5.06
18	S	47	E	W.M.	9	NE SW	9.98
18	S	47	E	W.M.	9	NW SE	0.63

27. Notice of the application for transfer was published September 15, 1998, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
28. On June 3, 2011, the Department mailed a copy of a revised draft Preliminary Determination proposing to approve Transfer Application T-8078 to the applicant. The draft Preliminary Determination set forth a deadline of July 5, 2011, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
29. On July 7, 2011, the Department issued a preliminary determination proposing to approve Transfer T-8078 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 July 12, 2011, and in The Argus Observer on July 17, 24, and 31, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

Transfer Review Criteria [OAR 690-380-4010(2)]

30. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
31. Pumps, pipelines, and delivery systems sufficient to use the full amount of water allowed under the existing rights are present.

32. The proposed changes would not result in enlargement of the rights.
33. The proposed changes would not result in injury to other water rights.

Conclusions of Law


The change in points of appropriation, additional points of appropriation, and change in place of use proposed in Transfer Application T-8078 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000 and the abandoned rights will be cancelled.

Now, therefore it is ORDERED:

1. The change in points of appropriation, additional points of appropriation, and change in place of use proposed in Transfer Application T-8078 are approved.
2. The right to 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 22879, 32125, 60022, 60023, 60024, 68622, 80759, and 72138.
3. Water right certificates 22879, 32125, 60022, 60023, 60024, 68622, 80759, and 72138 are cancelled. A new certificate will be issued for the right described by Certificate 80759 not affected by this transfer.
4. Certificates 41004, 22280, and 32003 described in Finding of Fact No. 26 are cancelled.
5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
6. The proposed points of appropriation shall only acquire ground water from no deeper than 80 feet below land surface, and shall not develop any confined aquifer.
7. The former place of use of Certificate 72138 shall no longer be irrigated as part of the water right.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2024. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
9. Pursuant to 537.260, the deferred amount of 1.15 cubic feet per second from Certificate 32124 shall be perfected with the proposed changes identified in T-8078 modifying Certificate 68622.
10. The quantity of water diverted at the additional points 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.

11. Prior to diverting water at the new points of appropriation, the water user shall install and maintain an in-line flow meter(s) or other suitable device(s) for measuring and recording the quantity of water appropriated. The type and plans of the measuring device(s) must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 30 day of August, 2011.



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

Mailing Date: SEP 01 2011