

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Use
5	N	28	E	W.M.	27	NW	NE			Quasi-Municipal
5	N	28	E	W.M.	27	SW	NE			Quasi-Municipal
5	N	28	E	W.M.	27	SE	NW			Quasi-Municipal
5	N	28	E	W.M.	27	NE	SW			Quasi-Municipal
5	N	28	E	W.M.	27	SW	SW			Quasi-Municipal
5	N	28	E	W.M.	27	SE	SW			Quasi-Municipal
5	N	28	E	W.M.	27	NW	SE			Quasi-Municipal
5	N	28	E	W.M.	27	SW	SE			Quasi-Municipal

3. Application T-9756 proposes to add two additional points of appropriation approximately 900 feet south to Well #3 and 2250 feet southeast to the Chuck Wagon Well from the existing point of appropriation within the Umatilla River basin to:

Township		Range		Meridian	Sec	¼ ¼		Location
5	N	28	E	W.M.	27	NE	SW	Well #3 – 380’S & 890’W from the center, Section 27
5	N	28	E	W.M.	27	NW	SE	Chuck Wagon Well - 1430’N & 730’E from S¼ corner, Section 27

4. The SECOND right to be transferred is as follows:

Certificate: 58354 in the name of Charles Tracts Water Co, Inc.
Use: Quasi-Municipal
Priority Date: May 29, 1979
Quantity: 0.56 cfs
Source: Well #3 within the Umatilla River Basin

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
5	N	28	E	W.M.	27	NE	SW	380’S & 890’W from the center, Sec. 27

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Use
5	N	28	E	W.M.	27	NW	NE			Quasi-Municipal
5	N	28	E	W.M.	27	SW	NE			Quasi-Municipal
5	N	28	E	W.M.	27	SE	NW			Quasi-Municipal
5	N	28	E	W.M.	27	NE	SW			Quasi-Municipal
5	N	28	E	W.M.	27	SW	SW			Quasi-Municipal
5	N	28	E	W.M.	27	SE	SW			Quasi-Municipal

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Use
5	N	28	E	W.M.	27	NW	SE			Quasi-Municipal
5	N	28	E	W.M.	27	SW	SE			Quasi-Municipal

5. Application T-9756 proposes to add two additional points of appropriation approximately 900 feet north for Well #1 and 1850 feet southeast for Chuck Wagon Well from the existing point of appropriation within the Umatilla River basin to:

Township		Range		Meridian	Sec	¼ ¼		Location
5	N	28	E	W.M.	27	SE	NW	Well #1 – 520’N & 700’W from the center, Section 27
5	N	28	E	W.M.	27	NW	SE	Chuck Wagon Well - 1430’N & 730’E from S¼ corner, Section 27

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. Water has been used within the last five years according to the terms and conditions of the right. No evidence has been submitted that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. An affidavit attesting to the use of water demonstrates that the annual quantity of water (duty) beneficially used under existing rights is substantially less than the full face value of the rights. The rights have been exercised as back up wells for the well (Chuck Wagon Well) authorized under Permit G-13477. Well #1 (certificate 58070) is programmed to come on line whenever the Chuck Wagon Well is shut down for repair or additional water is needed to serve customers. Well #3 (certificate 58354) is used as a back up to these two wells.
9. The affidavit attesting to the use of water also included a billing history from Umatilla Electric Co-op. The billing history shows electric usage at Wells #1 and #2 for 2002, 2003 and part of 2004. A total of 37,180 kwh were used over a 29 month period at Well #1. A total of 21 kwh were used over a 29 month period at Well #3.
10. On January 22, 2001, Bill Kik stated that Well#3 (certificate 58354) and Well#1 (certificate 58070) are used as back up wells. The billing history supports this statement.
11. The application indicates that the capacity of the system is 1.5 cfs—more than the combined total allowed under the water rights serving the company’s customers. Although the applicant has not used the full duty of water that could potentially be diverted at each of the wells, there is no evidence demonstrating that the applicant is not ready, willing, and able to divert water at the full rate allowed under each of the water rights involved in the transfer.
12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury of the rights.

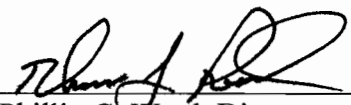
Conclusions of Law

The additional points of appropriation proposed in application T-9756 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 changes in appropriation proposed in application T-9756 are approved.
2. Water right certificates 58070 and 58354 are cancelled.
3. 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 58070 and 58354.
4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. The proposed changes shall be completed on or before October 1, 2006.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
8. Prior to diverting water at the additional points of appropriation, the water user shall install and maintain in-line flow meters or other suitable devices for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 9th day of MAY, 2005.


 Phillip C. Ward, Director

Mailing date: MAY 20 2005