

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

In the Matter of Transfer Application)
T-12209, Umatilla County)

FINAL ORDER APPROVING AN)
ADDITIONAL POINT OF)
APPROPRIATION AND A CHANGE IN)
PLACE OF USE)

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

LON G. WADEKAMPER
29899 COUNTRY LANE
HERMISTON, OR 97838

Findings of Fact

1. On November 25, 2015, LON G. WADEKAMPER filed an application for an additional point of appropriation and a change in place of use under Certificate 87466. The Department assigned the application number T-12209.
2. Notice of the application for transfer was published on December 8, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 25, 2015, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12209 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 5, 2017, for the applicant to respond. The applicant requested that the Department proceed with issuance of a 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 June 14, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12209 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 June 20, 2017, and in the East Oregonian newspaper on June 17, 2017 and June 24, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 87466 in the name of LON G. WADEKAMPER
(perfected under Permit G-7358)

Use: IRRIGATION of 9.8 ACRES

Priority Date: MAY 22, 1972

Rate: 0.11 CUBIC FOOT PER SECOND, AND IS FURTHER LIMITED TO NOT MORE THAN 9.8 ACRE-FEET PER MONTH DURING THE IRRIGATION SEASON, TO A MAXIMUM OF 29.4 ACRE-FEET PER SEASON.

Limit/Duty: The amount of water used for irrigation, together with 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, tributary to UMATILLA RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	21	SW SW	WELL - 1750 FEET SOUTH AND 90 FEET EAST FROM THE W1/4 CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	20	SE NE	3.3
5 N	28 E	WM	20	NE SE	1.33
5 N	28 E	WM	20	SE SE	0.06
5 N	28 E	WM	21	SW NW	1.82
5 N	28 E	WM	21	NW SW	2.84
5 N	28 E	WM	21	SW SW	0.45
TOTAL					9.8

6. Transfer Application T-12209 proposes an additional point of appropriation approximately 4860 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	28 E	WM	29	SE SE	WELL 2 - 1030 FEET NORTH AND 10 FEET WEST FROM THE SE CORNER OF SECTION 29

7. Transfer Application T-12209 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	28 E	WM	29	NE SE	4.1
5 N	28 E	WM	29	SE SE	5.7
TOTAL					9.8

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record 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 were present within the five-year period prior to submittal of Transfer Application T-12209.
10. The proposed changes would not result in enlargement of the right.
11. The proposed changes would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The change in additional point of appropriation and a change in place of use proposed in Transfer Application T-12209 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

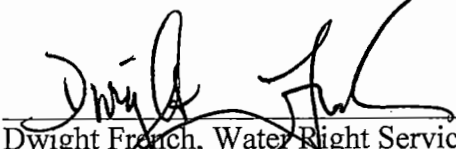
Now, therefore, it is ORDERED:

1. The additional point of appropriation and change in place of use proposed in Transfer Application T-12209 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 Certificate 87466 and any related decree.

3. Water right Certificate 87466 is cancelled.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meters, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - 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. Any well drilled under this water right shall not extend below an elevation of 100 feet above mean sea level. At the proposed additional point of appropriation location this equates to a maximum depth of approximately 350 feet below land surface.
7. Groundwater production in any well drilled under this water right shall be limited to a single aquifer in the Columbia River Basalt Group Lavas.
8. This water right shall be subject only to the allocation and distribution of the Sustainable Annual Yield of the Section 21 Subarea of the butter Creek Critical Groundwater Area.
9. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
10. The former place of use of the transferred right shall no longer receive water under the right.
11. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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.

12. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 31 day of July, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: AUG 04 2017