

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-10056, Umatilla County	)	ADDITIONAL POINT OF
	)	APPROPRIATION

ORS 537.705 and 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

**Applicant**

RICK and ROBIN TRUMBULL  
53377 ROBIN LANE  
MILTON-FREEWATER, OR 97862

**Findings of Fact**

1. On December 29, 2005, Rick and Robin Trumbull filed a transfer application for additional points of appropriation under Certificates 46353 and 46355. The Department assigned the application number T-10056.

2. The first right to be transferred is as follows:

**Certificate:** 46353 in the name of STAN PAVISH (perfected under Permit G-5460)

**Use:** IRRIGATION of 4.6 ACRES and SUPPLEMENTAL IRRIGATION of 5.5 ACRES

**Priority Date:** September 17, 1971

**Rate:** 0.13 CUBIC FOOT PER SECOND (CFS)

**Limit/Duty:** ONE-EIGHTIETH of ONE CUBIC FOOT PER SECOND per acre, not to exceed 3.0 acre-feet per acre irrigated during the irrigation season of each year

**Source:** A WELL within the EAST PRONG OF THE WALLA WALLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	23	SE SW	760 FEET NORTH AND 2300 FEET EAST FROM THE SW CORNER OF SECTION 23

**Authorized Place of Use - Primary Irrigation**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	23	SE SW	4.6

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 137-004-0080 you may either 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.

<b>Authorized Place of Use – Supplemental Irrigation</b>					
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
6 N	35 E	WM	23	SE SW	5.5

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

**Certificate:** 46355 in the name of STAN PAVISH (perfected under Permit G-6153)

**Use:** IRRIGATION of 9.6 ACRES

**Priority Date:** May 29, 1974

**Rate:** 0.12 CUBIC FOOT PER SECOND (CFS)

**Limit/Duty:** ONE-EIGHTIETH of one cfs, not to exceed 3.0 acre-feet per acre irrigated during the irrigation season of each year

**Source:** A WELL within the EAST PRONG of the WALLA WALLA RIVER BASIN

**Authorized Point of Appropriation:**

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Survey Coordinates</b>
6 N	35 E	WM	23	SE SW	760 FEET NORTH AND 2300 FEET EAST FROM THE SW CORNER OF SECTION 23

**Authorized Place of Use:**

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Acres</b>
6 N	35 E	WM	23	SE SW	9.6

4. Application T-10056 proposes to add a point of appropriation for the above described rights approximately 400 feet southwest from the original well, located:

<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>Survey Coordinates</b>
6 N	35 E	WM	23	SE SW	570 FEET NORTH AND 720 FEET WEST FROM THE S¼ CORNER OF SECTION 23

5. Notice of the application for transfer was published on January 10, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. On May 1, 2007, the Department issued a Preliminary Determination proposing to approve Transfer T-10056 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 8, 2007, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The additional point of appropriation will be in alluvial sand and gravel, as is the original point of appropriation.
8. 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.

9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
10. The proposed changes would not result in enlargement of the rights.
11. The proposed changes would not result in injury to other water rights.

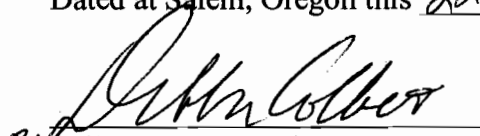
#### **Conclusions of Law**

The proposed changes in application T-10056 is consistent with the requirements of ORS 537.705, ORS 540.505 to 540.580, and OAR 690-380-5000.

#### **Now, therefore, it is ORDERED:**

1. The additional point of appropriation proposed in Transfer Application T-10056 is approved.
2. Water right Certificates 46353 and 46355 are cancelled.
3. 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 Certificates 46353 and 46355 and any related decree.
4. Water at the additional point of appropriation shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. 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.
6. When required by the Department, the water user shall install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. 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 change and full beneficial use of the water.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 22<sup>nd</sup> day of June 2007.

  
Phillip C. Ward, Director

Mailing date: JUN 26 2007