

4. On October 12, 2021, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13490 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 19, 2021, and in the Burns Times-Herald newspaper on October 20 and 27, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The first right to be transferred is as follows:

Certificate: 93885 in the name of CHARLES W. EGGERT AND LOUANNA EGGERT AND NORTHWEST FARM CREDIT SERVICES FLCA (PERFECTED UNDER PERMIT G-12760)

Use: IRRIGATION OF 486.4 ACRES, BEING 238.0 ACRES FROM WELL 1, 124.2 ACRES FROM WELL 3, AND 124.2 ACRES FROM WELL 4

Priority Date: JULY 20, 1995

Rate: 4.81 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO 1.88 CFS FROM WELL 1, AND LIMITED TO A COMBINED QUANTITY FROM WELL 3 AND WELL 4 NOT TO EXCEED 3.14 CFS, FURTHER LIMITED TO 1.55 CFS FROM WELL 3 AND 1.38 CFS FROM WELL 4, A MAXIMUM CUMULATIVE TOTAL FROM ALL WELLS NOT TO EXCEED 4.81 CFS

Limit/Duty: The amount of water used for irrigation under this right, together with the 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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: THREE WELLS IN HARNEY LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	16	NW SW	WELL 1 (ORIGINAL) - 2460 FEET NORTH AND 240 FEET EAST FROM THE SW CORNER OF SECTION 16
26 S	30 E	WM	10	SW SW	WELL 3 (ADDITIONAL) - 6500 FEET NORTH AND 5850 FEET EAST FROM THE SW CORNER OF SECTION 16
26 S	30 E	WM	16	SE SE	WELL 4 (ADDITIONAL) - 610 FEET NORTH AND 5130 FEET EAST FROM THE SW CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION FROM WELL 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	16	NE NW	31.2
26 S	30 E	WM	16	NW NW	29.4
26 S	30 E	WM	16	SW NW	31.2
26 S	30 E	WM	16	SE NW	33.1
26 S	30 E	WM	16	NE SW	28.2
26 S	30 E	WM	16	NW SW	28.5
26 S	30 E	WM	16	SW SW	28.3
26 S	30 E	WM	16	SE SW	28.1
Total					238.0

IRRIGATION FROM WELL 3					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	16	NE NE	30.3
26 S	30 E	WM	16	NW NE	29.6
26 S	30 E	WM	16	SW NE	31.8
26 S	30 E	WM	16	SE NE	32.5
Total					124.2

IRRIGATION FROM WELL 4					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	16	NE SE	30.2
26 S	30 E	WM	16	NW SE	31.1
26 S	30 E	WM	16	SW SE	31.9
26 S	30 E	WM	16	SE SE	31.0
Total					124.2

6. Transfer Application T-13409 proposes to move the authorized point of appropriation (POA) of Wells 3 and 4 and add additional points of appropriation (APOA) with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Type of Change	Approximate Distances from Authorized Wells in Miles		
							Well #1	Well #3	Well #4
26 S	30 E	WM	9	SW NE	WELL #11 - 43° 19' 52.0" N, 119° 07' 27.6" W	POA	1.3	0.5	1.4
26 S	30 E	WM	10	SW SW	WELL #10 - 65 FEET NORTH AND 1255 FEET EAST FROM THE SW CORNER OF SECTION 10	POA	1.3	0.3	1.0
26 S	30 E	WM	16	NE NE	WELL #7 - 25 FEET SOUTH AND 320 FEET WEST FROM THE NE CORNER OF SECTION 16	APOA	1.0	0.3	0.9
26 S	30 E	WM	16	SE NE	WELL #2 - 2621 FEET NORTH AND 9878 FEET EAST FROM	APOA	1.8	1.0	1.0

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Type of Change	Approximate Distances from Authorized Wells in Miles		
					THE SW CORNER OF SECTION 16				
26 S	30 E	WM	16	SE SE	WELL #8 - 600 FEET NORTH AND 185 FEET WEST FROM THE SE CORNER OF SECTION 16	APOA	1.0	1.1	0.1
26 S	30 E	WM	16	SE SE	WELL #12 - 43° 18' 33.1" N, 119° 07' 19.5" W	APOA	0.9	1.3	0.2

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

Certificate: 94527 in the name of CHARLES W. EGGERT, LOUANNA EGGERT AND NORTHWEST FARM CREDIT SERVICES (perfected under Permit G-16257)

Use: IRRIGATION USE ON 276.6 ACRES

Priority Date: JANUARY 13, 2006

Rate: 3.38 CUBIC FEET PER SECOND (CFS); BEING 2.67 CFS FROM WELL #1 FOR IRRIGATION OF 220.1 ACRES AND 0.71 CFS FROM WELL #2 FOR IRRIGATION OF 56.5 ACRES

Limit/Duty: The amount of water used for irrigation under this right, together with the 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: WELL #1 (HARN 50472) AND WELL #2 (MALH 2323) IN HARNEY LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	10	SE SW	WELL #1 - 5316 FEET NORTH AND 6728 FEET EAST FROM THE SW CORNER OF SECTION 16
26 S	30 E	WM	15	SE NE	WELL #2 - 2621 FEET NORTH AND 9878 FEET EAST FROM THE SW CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION WELL #1					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	15	NW NE	11.6
26 S	30 E	WM	15	SW NE	27.8
26 S	30 E	WM	15	NE NW	33.0
26 S	30 E	WM	15	NW NW	17.5
26 S	30 E	WM	15	SW NW	35.5
26 S	30 E	WM	15	SE NW	40.0
26 S	30 E	WM	15	NE SW	30.0

IRRIGATION WELL #1					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	15	NW SW	15.0
26 S	30 E	WM	15	NW SE	9.7
				Total	220.1

IRRIGATION WELL #2					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	15	SW NE	1.6
26 S	30 E	WM	15	SE NE	9.8
26 S	30 E	WM	15	NE SE	35.2
26 S	30 E	WM	15	NW SE	9.9
				Total	56.5

8. Transfer Application T-13409 proposes to move the authorized point of appropriation (POA) (Well 1) and add four additional points of appropriation (APOA) with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Type of Change	Approximate Distances from Authorized Wells in Miles	
							Well #2	Well #1
26 S	30 E	WM	9	SW NE	WELL #11 - 43° 19' 52.0" N, 119° 07' 27.6" W	POA	1.5	0.7
26 S	30 E	WM	10	SW SW	WELL #10 - 65 FEET NORTH AND 1255 FEET EAST FROM THE SW CORNER OF SECTION 10	POA	0.8	0.1
26 S	30 E	WM	16	NE NE	WELL #7 - 25 FEET SOUTH AND 320 FEET WEST FROM THE NE CORNER OF SECTION 16	APOA	1.0	0.3
26 S	30 E	WM	16	NW SW	NEW WELL 1 - 2464 FEET NORTH AND 288 FEET EAST FROM THE SW CORNER OF SECTION 16	APOA	1.8	1.3
26 S	30 E	WM	16	SE SE	WELL #8 - 600 FEET NORTH AND 185 FEET WEST FROM THE SE CORNER OF SECTION 16	APOA	1.0	1.0
26 S	30 E	WM	16	SE SE	WELL #12 - 43° 18' 33.1" N, 119° 07' 19.5" W	APOA	1.1	1.1

9. Transfer Application T-13409 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	10	SW SW	22.8
26 S	30 E	WM	15	NW NE	5.8
26 S	30 E	WM	15	SW NE	26.1
26 S	30 E	WM	15	SE NE	9.8
26 S	30 E	WM	15	NE NW	24.0
26 S	30 E	WM	15	NW NW	23.3
26 S	30 E	WM	15	SW NW	28.8
26 S	30 E	WM	15	SE NW	40.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	30 E	WM	15	NE SW	29.9
26 S	30 E	WM	15	NW SW	11.6
26 S	30 E	WM	15	NE SE	35.2
26 S	30 E	WM	15	NW SE	19.3
				Total	276.6

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13409.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

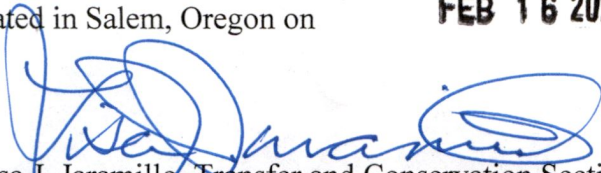
The change in points of appropriation, additional points of appropriation and change in place of use proposed in Transfer Application T-13409 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of appropriation, additional points of appropriation and change in place of use proposed in Transfer Application T-13409 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 Certificates 93885 and 94527 and any related decree.
3. Water right Certificates 93885 and 94527 are cancelled.
4. Under Certificate 93885, the quantity of water diverted at the new and additional points of appropriation (Wells 2, 7, 8, 10, 11 and 12), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 3 and 4).

5. Under Certificate 94527, the quantity of water diverted at the new and additional points of appropriation (Wells 7, 8, 10, 11, 12 and New Well #1), together with that diverted at the original point of appropriation (Well 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1 and 2).
6. 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 appropriation.
 - 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.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. The former place of use of the transferred right shall no longer receive water under the right.
9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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 changes and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **FEB 16 2022**



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

Mailing date: ~~_____ FEB 17 2022 _____~~