# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-9996, Umatilla County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

#### **Applicant**

CRAIG COLEMAN 33896 E. WALLS ROAD HERMISTON OR 97838

### **Findings of Fact**

- 1. Craig Coleman filed an application to add new points of appropriation under Certificate 80915. The Department assigned the application number T-9996. Amended applications and maps were submitted October 25, 2005 and November 16, 2005, reducing the acreage proposed for transfer to the portion of the right that is appurtenant to land owned by the applicant.
- 2. The portion of the right to be transferred is as follows:

Certificate: 80915 in the name of HANSELL BROTHERS INC. (perfected under Permit

G-10505)

Use: IRRIGATION AND SUPPLEMENTAL IRRIGATION ON 1188.1 ACRES

**Priority Date:** JANUARY 9, 1970

Rate: 14.85 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 3 acre-feet per acre per year

Source: Seven wells in the Umatilla River basin

**Authorized Point of Appropriation:** 

Well ID	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3	4 N	27 E	WM	27	SE NW	2740 FEET NORTH & 1890 FEET EAST FROM SW CORNER, SECTION 27
4	4 N	27 E	WM	27	SW NW	230 FEET NORTH & 1210 FEET EAST FROM W1/4 CORNER, SECTION 27
5	4 N	27 E	WM	27	SE NW	960 FEET NORTH & 1850 FEET EAST FROM W1/4 CORNER, SECTION 27

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.

Well ID	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6&7	4 N	27 E	WM	26	SW NW	1130 FEET NORTH & 60 FEET EAST FROM W1/4 CORNER, SECTION 26
8	4 N	27 E	WM	26	SW NW	1160 FEET NORTH & 370 FEET EAST FROM W1/4 CORNER, SECTION 26
9	4 N	27 E	WM	36	SW NW	1884 FEET SOUTH & 1315 FEET EAST FROM NW CORNER, SECTION 36

### **Authorized Place of Use:**

	PRIMARY IRRIGATION of 408.9 acres								
Twp	Rng	Mer	Sec	Q-Q	Wells	Acres			
4 N	27 E	WM	26	SE NW	7, 3, 4, 5, 6, 8, 9	4.70			
4 N	27 E	WM	26	NE SW	7, 3, 4, 5, 6, 8, 9	9.20			
4 N	27 E	WM	26	SE SW	7, 3, 4, 5, 6, 8, 9	22.10			
4 N	27 E	WM	26	SW SE	7, 3, 4, 5, 6, 8, 9	18.00			
4 N	27 E	WM	26	SE SE	7, 3, 4, 5, 6, 8, 9	1.20			
4 N	27 E	WM	27	NE NW	5, 3, 4, 6, 7, 8, 9	10.30			
4 N	27 E	WM	27	NW NW	5, 3, 4, 6, 7, 8, 9	15.20			
4 N	27 E	WM	27	SW NW	5, 3, 4, 6, 7, 8, 9	3.50			
4 N	27 E	WM	27	SE NW	5, 3, 4, 6, 7, 8, 9	9.20			
4 N	27 E	WM	27	SE SW	7, 3, 4, 5, 6, 8, 9	0.50			
4 N	27 E	WM	27	NW SE	7, 3, 4, 5, 6, 8, 9	3.40			
4 N	27 E	WM	27	SW SE	7, 3, 4, 5, 6, 8, 9	10.50			
4 N	27 E	WM	35	NE NE	7, 3, 4, 5, 6, 8, 9	27.10			
4 N	27 E	WM	35	NW NE	7, 3, 4, 5, 6, 8, 9	4.90			
4 N	27 E	WM	35	SE NE	7, 3, 4, 5, 6, 8, 9	22.10			
4 N	27 E	WM	35	NE NW	7, 3, 4, 5, 6, 8, 9	2.10			
4 N	27 E	WM	35	NE SE	7, 3, 4, 5, 6, 8, 9	31.40			
4 N	27 E	WM	35	NW SE	7, 3, 4, 5, 6, 8, 9	31.40			
4 N	27 E	WM	35	SW SE	7, 3, 4, 5, 6, 8, 9	31.40			
4 N	27 E	WM	35	SE SE	7, 3, 4, 5, 6, 8, 9	31.40			
4 N	27 E	WM	36	NE NW	9, 3, 4, 5, 6, 7, 8	33.90			
4 N	27 E	WM	36	NW NW	9, 3, 4, 5, 6, 7, 8	3.90			
4 N	27 E	WM	36	SW NW	9, 3, 4, 5, 6, 7, 8	23.00			
4 N	27 E	WM	36	SE NW	9, 3, 4, 5, 6, 7, 8	28.30			
4 N	27 E	WM	36	NW SW	9, 3, 4, 5, 6, 7, 8	30.20			

	SUPPLEMENTAL IRRIGATION of 779.2 acres							
Twp	Rng	Mer	Sec	Q-Q	Wells	Acres		
4 N	27 E	WM	26	SW NW	3, 4, 5, 6, 7, 8, 9	30.30		
4 N	27 E	WM	26	SE NW	3, 4, 5, 6, 7, 8, 9	14.00		
4 N	27 E	WM	26	NE SW	3, 4, 5, 6, 7, 8, 9	9.80		
4 N	27 E	WM	26	NW SW	3, 4, 5, 6, 7, 8, 9	24.90		
4 N	27 E	WM	26	SW SW	3, 4, 5, 6, 7, 8, 9	40.00		
4 N	27 E	WM	26	SE SW	3, 4, 5, 6, 7, 8, 9	13.50		
4 N	27 E	WM	26	SE SE	3, 4, 5, 6, 7, 8, 9	16.10		
4 N	27 E	WM	27	SW NW	3, 4, 5, 6, 7, 8, 9	9.80		
4 N	27 E	WM	27	SE NW	3, 4, 5, 6, 7, 8, 9	8.90		
4 N	27 E	WM	27	NE SW	3, 4, 5, 6, 7, 8, 9	35.90		
4 N	27 E	WM	27	NW SW	3, 4, 5, 6, 7, 8, 9	39.40		
4 N	27 E	WM	27	SW SW	3, 4, 5, 6, 7, 8, 9	13.50		

	SUPPLEMENTAL IRRIGATION of 779.2 acres								
Twp	Rng	Mer	Sec	Q-Q	Wells	Acres			
4 N	27 E	WM	27	SE SW	3, 4, 5, 6, 7, 8, 9	12.60			
4 N	27 E	WM	27	NE SE	3, 4, 5, 6, 7, 8, 9	2.80			
4 N	27 E	WM	27	SW SE	3, 4, 5, 6, 7, 8, 9	16.60			
4 N	27 E	WM	27	SE SE	3, 4, 5, 6, 7, 8, 9	31.60			
4 N	27 E	WM	34	NE NE	3, 4, 5, 6, 7, 8, 9	37.50			
4 N	27 E	WM	34	NW NE	3, 4, 5, 6, 7, 8, 9	39.50			
4 N	27 E	WM	34	SW NE	3, 4, 5, 6, 7, 8, 9	10.10			
4 N	27 E	WM	34	SE NE	3, 4, 5, 6, 7, 8, 9	7.10			
4 N	27 E	WM	35	NE NE	3, 4, 5, 6, 7, 8, 9	5.80			
4 N	27 E	WM	35	NW NE	3, 4, 5, 6, 8, 9	3.30			
4 N	27 E	WM	35	NW NE	3, 4, 5, 6, 7, 9	28.10			
4 N	27 E	WM	35	SW NE	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	SE NE	3, 4, 5, 6, 7, 9	9.30			
4 N	27 E	WM	35	NE NW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	NW NW	3, 4, 5, 6, 7, 8, 9	2.60			
4 N	27 E	WM	35	NW NW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	SW NW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	SE NW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	NE SW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	NW SW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	SW SW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	35	SE SW	3, 4, 5, 6, 7, 9	31.40			
4 N	27 E	WM	36	NW NW	3, 4, 5, 6, 7, 8	28.30			
4 N	27 E	WM	36	SW NW	3, 4, 5, 6, 7, 8	5.30			

3. Application T-9996 proposes to add five new points of appropriation:

Well ID	Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
10	4N	27E	WM	27	SW NW	3100 FEET NORTH & 250 FEET EAST FROM SW CORNER, SECTION 27
11	4N	27E	WM	27	SW NW	3250 FEET NORTH & 970 FEET EAST FROM SW CORNER, SECTION 27
12	4N	27E	WM	27	SW SW	1280 FEET NORTH & 50 FEET EAST FROM SW CORNER, SECTION 27
13	4N	27E	WM	27	NE NE	1100 FEET SOUTH & 1200 FEET WEST FROM NE CORNER, SECTION 27
14	4N	27E	WM	27	NW NW	770 FEET SOUTH & 1320 FEET EAST FROM NW CORNER, SECTION 27

- 4. 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.
- 5. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 7. The proposed change would not result in enlargement of the right.

The proposed change would not result in injury to other water rights.

#### **Conclusions of Law**

The additional points of appropriation proposed in application T-9996 are consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000.

## Now, therefore, it is ORDERED:

- 1. The additional points of appropriation proposed in application T-9996 are approved.
- Water right certificate 80915 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
- 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 Certificate 80915 and any related decree.
- Water shall be acquired from the same aquifer (water source) as the original points of appropriation. Specifically, the new wells shall develop water from the coarse-grained alluvial aquifer.
- The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2007. 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.
- 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.
- Prior to diverting water at the new points of appropriation, the water user shall install and maintain 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.
- When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 7th day of 16 2006.

Mailing date: FFB 1 6 2006