

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

In the Matter of Transfer Application) **FINAL ORDER APPROVING**
T-11684, Baker County) **ADDITIONAL POINTS OF**
) **APPROPRIATION**

Authority

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

DAVE BLATCHFORD
44857 BROWN RD
BAKER CITY, OR 97814

Findings of Fact

1. On November 14, 2013, DAVE BLATCHFORD filed an application for additional points of appropriation under Certificates 52712 and 52849. The Department assigned the application number T-11684.
2. Notice of the application for transfer was published on November 26, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 24, 2014, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11684 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 25, 2014, 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.
4. On April 9, 2014, the Department issued a preliminary determination proposing to approve Transfer T-11684 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 April 15, 2014, and in the Baker City Herald newspaper on April 18 and

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.

25, 2014 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: 52712 in the name of JAMES BLATCHFORD (perfected under Permit G-6512)
Use: SUPPLEMENTAL IRRIGATION of 239.1 ACRES
Priority Date: JUNE 23, 1975
Rate: 2.23 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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 and shall conform to such reasonable rotation system as may be ordered by the proper state officer.
Source: WELL 2 within the POWDER RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	16	NW SW	WELL 2: 1210 FEET SOUTH AND 50 FEET EAST FROM THE W 1/4 CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	17	NE SW	32.9
8 S	39 E	WM	17	NW SW	35.5
8 S	39 E	WM	17	SW SW	32.3
8 S	39 E	WM	17	SE SW	32.0
8 S	39 E	WM	17	NE SE	31.9
8 S	39 E	WM	17	NW SE	10.7
8 S	39 E	WM	17	SW SE	32.3
8 S	39 E	WM	17	SE SE	31.5
Total					239.1

6. Transfer Application T-11684 proposes additional points of appropriation approximately 0.24 mile for Well 4 and 0.34 mile for Well 5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	17	NE SE	WELL 4: 2475 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 17
8 S	39 E	WM	20	NE NE	WELL 5: 400 FEET SOUTH AND 130 FEET WEST FROM THE NE CORNER OF SECTION 20

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

Certificate: 52849 in the name of JIM AND DAVE BLATCHFORD (perfected under Permit G-10138)
Use: SUPPLEMENTAL IRRIGATION of 194.2 ACRES
Priority Date: APRIL 18, 1983
Rate: 2.43 CUBIC FEET PER SECOND; being 1.61 cfs from Well 2 and 0.82 cfs from Well 3
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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, provided further that in the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.
Source: WELL 2 and WELL 3 within the POWDER RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	16	NW SW	WELL 2: 1210 FEET SOUTH AND 50 FEET EAST FROM THE W1/4 CORNER OF SECTION 16
8 S	39 E	WM	16	NW SE	WELL 3: 1320 FEET NORTH AND 1370 FEET WEST FROM THE SE CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	16	NE SW	34.6
8 S	39 E	WM	16	NW SW	31.3
8 S	39 E	WM	16	SW SW	30.0
8 S	39 E	WM	16	SE SW	35.2
8 S	39 E	WM	20	NE NE	14.2
8 S	39 E	WM	20	NW NE	33.3
8 S	39 E	WM	20	SW NE	11.4
8 S	39 E	WM	20	SE NE	4.2
Total					194.2

8. Transfer Application T-11684 proposes additional points of appropriation with approximate distances from the existing points of diversion identified as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
8 S	39 E	WM	17	NE SE	WELL 4: 2475 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 17	WELL 2 – 0.25 mile WELL 3 – 0.89 mile

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
8 S	39 E	WM	20	NE NE	WELL 5: 400 FEET SOUTH AND 130 FEET WEST FROM THE NE CORNER OF SECTION 20	WELL 2 – 0.33 mile WELL 3 – 0.88 mile

Transfer Review Criteria (OAR 690-380-4010)

9. 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.
10. 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-11684.
11. Provided totalizing flow meters are installed as conditioned below, the proposed change would not result in enlargement of the right.
12. If conditioned as follows, the proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-11684 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 additional points of appropriation proposed in Transfer Application T-11684 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 52712 and 52849 and any related decree.
3. Water right Certificates 52712 and 52849 are cancelled. A new certificate for 52849 will be issued describing that portion of the right not affected by this transfer.
4. 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.
5. 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 new 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
 7. To monitor the effect of water use from the wells authorized, the Department requires the water user to make and report annual static water-level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.
 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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.
 9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 27 day of May, 2014.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: **MAY 30 2014**