

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13113, Umatilla County)	ADDITIONAL POINT OF
)	APPROPRIATION, AND 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

TODD LONGGOOD
110 SE 3RD ST
PENDLETON, OR 97801

Findings of Fact

1. On March 12, 2019, TODD LONGGOOD filed an application for an additional point of appropriation, to change the point of appropriation, and to change the place of use under Certificates 26074 and 83134. The Department assigned the application number T-13113.
2. Notice of the application for transfer was published on March 19, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 18, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Department needed clarification whether a request was being made for a change in point of appropriation.
4. On April 19, 2019, the applicant's agent submitted a revised Table 2, resolving the deficiency.

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.

5. Water use from wells in Critical Groundwater Areas is subject to allocation under OAR Chapter 690, Division 507. Certificates 26074 and 83134 are located within the Stage Gulch Critical Ground Water Area, and therefore are subject to allocation.
6. On May 15, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13113 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 14, 2019, 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.
7. On May 29, 2019, the applicant requested to extend the completion date for full beneficial use of the water to October 1, 2021.
8. On June 10, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-13113 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 11, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The first right to be transferred is as follows:

Certificate: 26074 in the name of LEONARD LORENZEN (perfected under Permit U-506)
Use: IRRIGATION of 23.6 ACRES
Priority Date: JANUARY 28, 1953
Rate: 0.295 CUBIC FOOT 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 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL, a tributary of UMATILLA RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	30 E	WM	35	SW SE	LORENZEN WELL - 1860 FEET SOUTH AND 2920 FEET EAST FROM THE W1/4 CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	2	NE NW	0.5
3 N	30 E	WM	2	NW NW	7.6
4 N	30 E	WM	35	SE SW	15.4
4 N	30 E	WM	35	SW SE	0.1
Total					23.6

10. Transfer Application T-13113 proposes an additional point of appropriation approximately 556 feet Southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	30 E	WM	35	SE SW	NEW WELL - 2030 FEET SOUTH AND 2390 FEET EAST FROM THE W1/4 CORNER OF SECTION 35

11. Transfer Application T-13113 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	35	NE SW	1.8
4 N	30 E	WM	35	SE SW	21.0
4 N	30 E	WM	35	SW SE	0.8
Total					23.6

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

Certificate: 83134 in the name of LEONARD A. LORENZEN; LORENZEN RANCHES, INC. (perfected under Permit G-10087)

Use: IRRIGATION of 8.5 ACRES

Priority Date: MARCH 28, 1983

Rate: 0.09 CUBIC FOOT 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, 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 in the UMATILLA BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	30 E	WM	35	SW SE	LORENZEN WELL - 1860 FEET SOUTH AND 2920 FEET EAST FROM THE W1/4 CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	35	NE SW	1.3
4 N	30 E	WM	35	SE SW	5.9
4 N	30 E	WM	35	NW SE	0.6
4 N	30 E	WM	35	SW SE	0.7
Total					8.5

13. Transfer Application T-13113 proposes an additional point of appropriation approximately 556 feet Southwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	30 E	WM	35	SE SW	NEW WELL - 2030 FEET SOUTH AND 2390 FEET EAST FROM THE W1/4 CORNER OF SECTION 35

14. Transfer Application T-13113 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	35	SE SW	5.5
4 N	30 E	WM	35	SW SE	3.0
Total					8.5

Transfer Review Criteria (OAR 690-380-4010)

15. Water has been used within the last five years according to the terms and conditions of Certificate 26074. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610. Certificate 83134 was not authorized any allotment under the Stage Gulch Critical Ground Water Order for the last several years. Pursuant to ORS 540.610(2)(g), the right is not subject to forfeiture due to an order to discontinue use by the commission.
16. 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-13113.
17. The proposed changes would not result in enlargement of the rights.
18. The proposed changes would not result in injury to other water rights.
19. All other application requirements are met.

Conclusions of Law

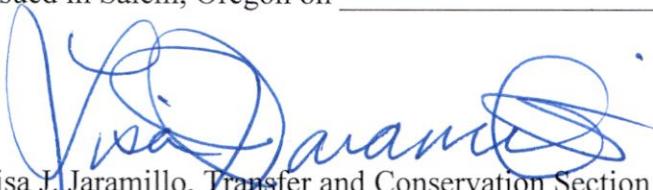
The additional point of appropriation, and change in place of use proposed in Transfer Application T-13113 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation, and change in place of use proposed in Transfer Application T-13113 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 26074, 83134, and any related decree.
3. Water right Certificate 26074 is cancelled.
4. Water right Certificate 83134 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
5. The quantity of water diverted at the additional point of appropriation (New Well), together with that diverted at the original point of appropriation (Lorenzen Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Lorenzen Well).

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 (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.
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. Water use from wells in Critical Groundwater Areas is subject to allocation under OAR Chapter 690, Division 507. Certificates 26074 and 83134 are located within the Stage Gulch Critical Ground Water Area, and therefore are subject to allocation.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.
11. After satisfactory proof of beneficial use is received, a new certificate confirming the rights transferred will be issued.

Issued in Salem, Oregon on JUL 22 2019,


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

Mailing date: JUL 23 2019