

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

In the Matter of Transfer Application) FINAL ORDER APPROVING
T-13870, Umatilla County) AN ADDITIONAL POINT OF APPROPRIATION

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

JOHN AND DENISE OWEN
PO BOX E
PILOT ROCK, OR 97868-0080

Findings of Fact

1. On December 6, 2021, JOHN AND DENISE OWEN filed an application for an additional point of appropriation under Certificate 42342. The Department assigned the application number T-13870.
2. Notice of the application for transfer was published on December 21, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 8, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13749 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 8, 2022, 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 August 30, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13870 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 August 30, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 42342 in the name of GEORGE W. JOHNSTON (perfected under Permit G-5047)

Use: IRRIGATION of 7.1 ACRES

Priority Date: MARCH 17, 1972

Rate: 0.04 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: JOHNSTON WELL, a tributary of EAST BIRCH CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	32 E	WM	21	SW NW	2050 FEET SOUTH AND 490 FEET EAST FROM THE NW CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	32 E	WM	21	SW NW	7.1

6. Transfer Application T-13870 an additional point of appropriation approximately 200 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	32 E	WM	21	SW NW	1970 FEET SOUTH AND 515 FEET EAST FROM THE NW CORNER OF SECTION 21

7. The Department Groundwater Section and the Watermaster require the following condition to prevent injury to surrounding wells and develop the same source:

Any well drilled under this water right shall be open to a single aquifer in the Columbia River Basalt Group and shall meet applicable well construction standards (OAR 690-200 and OAR 690-210). The open interval in the well shall be limited to water-bearing zones with hydraulic head elevations similar to the zones developed by the authorized POA on water right Certificate 42342 (UMAT 105). If a water-bearing zone with a distinct and different head is encountered, it shall be sealed off during drilling. Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13870.

10. The proposed change as conditioned would not result in enlargement of the right.
11. The proposed change as conditioned would not result in injury to other water right.
12. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-13870 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

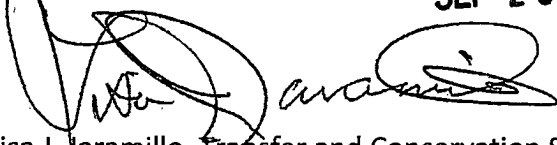
Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-13870 is 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 Certificate 42342 and any related decree.
3. Water right Certificate 42342 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. 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.
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 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Any well drilled under this water right shall be open to a single aquifer in the Columbia River Basalt Group and shall meet applicable well construction standards (OAR 690-200 and OAR 690-210). The open interval in the well shall be limited to water-bearing zones with hydraulic head elevations similar to the zones developed by the authorized POA on water right certificate 42342 (UMAT 105). If a water-bearing zone with a distinct and different head is encountered, it shall be sealed off during drilling.

8. 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 change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

SEP 20 2022



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department