



4. On July 15, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13281 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 14, 2020, 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.
5. On August 4, 2020, the applicant submitted a request to amend the applicants name on the application from HILAND WC-LOMBARD WS to LOMBARD WATER CO. LLC
6. On September 3, 2020, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13281 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 September 8, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The right to be transferred is as follows:

**Certificate:** 35771 in the name of LEONARD G. and PATRICIA L. WITTENBERG  
(perfected under Permit G-169)

**Use:** DOMESTIC USE IN 86 HOUSES, 4 THREE-UNIT APARTMENTS, 1 SIX-UNIT APARTMENT, 1 TWO-UNIT APARTMENT, AND 1 CHURCH, AND FIRE PROTECTION

**Priority Date:** MARCH 12, 1956

**Rate:** 0.50 CUBIC FOOT PER SECOND

**Source:** A WELL, A TRIBUTARY OF AN UNNAMED STREAM (LITTLE PUDDING RIVER)

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	2 W	WM	18	NE SW	41	NORTH 16 DEGREES 10 MINUTES EAST 3129.12 FEET FROM SE CORNER OF TOWNER SAVAGE DLC 37

**Authorized Place of Use:**

DOMESTIC USE AND FIRE PROTECTION					
Twp	Rng	Mer	Sec	Q-Q	DLC
7 S	2 W	WM	18	SE NW	41
7 S	2 W	WM	18	NE SW	41

8. Transfer Application T-13281 proposes an additional point of appropriation approximately 65.0 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 S	2 W	WM	18	NE SW	LATITUDE: 44°57'43.81", LONGITUDE: 122°58'49.56"

***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 right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water distribution 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-13281.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

**Conclusions of Law**

The additional point of appropriation proposed in Transfer Application T-13281 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

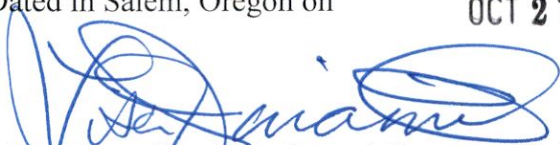
**Now, therefore, it is ORDERED:**

1. The additional point of appropriation proposed in Transfer Application T-13281 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 35771 and any related decree.
3. Water right Certificate 35771 is cancelled.
4. The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. 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 change and full beneficial use of the water.

7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**OCT 27 2020**



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

Mailing date:                     **OCT 28 2020**