

4. On September 10, 2014, the Department issued a preliminary determination proposing to approve Transfer T-11514 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 September 16, 2014, and in the East Oregonian newspaper on September 20 and 27, 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: 87298 in the name of JEDEDIAH W. AYLETT (perfected under Permit U-363)

Use: IRRIGATION of 3.0 ACRES

Priority Date: NOVEMBER 1, 1950

Rate: 0.037 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELL #B within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

6. Transfer Application T-11514 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

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

Certificate: 87299 in the name of JEDEDIAH W. AYLETT (perfected under Permit G-190)

Use: IRRIGATION of 3.0 ACRES

Priority Date: MARCH 26, 1956

Rate: 0.037 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELL #B within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

8. Transfer Application T-11514 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	0.3
4 N	27 E	WM	19	SE SE	2.7

9. The third right to be transferred is as follows:

Certificate: 87300 in the name of JEDEDIAH W. AYLETT (perfected under Permit G-2782)

Use: IRRIGATION of 3.0 ACRES

Priority Date: FEBRUARY 4, 1965

Rate: 0.037 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELL #B within the UMATILLA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

10. Transfer Application T-11514 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	2.3
4 N	27 E	WM	19	SE SE	0.7

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

Certificate: 60552 in the name of JEDEDIAH AYLETT (perfected under Permit G-4929)

Use: IRRIGATION of 3.0 ACRES

Priority Date: NOVEMBER 16, 1971, FOR 0.031 CFS AND DECEMBER 3, 1971, FOR 0.006 CFS, limited to not more than 0.037 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 a diversion of 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 THE WELLS SHALL NOT EXCEED 120 FEET IN DEPTH, NOR APPROPRIATE WATER FROM AN AQUIFER BELOW THAT DEPTH. The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELLS 1 and 2, in the COLUMBIA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	28	SE NW	WELL 1: 3700 FEET NORTH AND 1390 FEET EAST FROM THE SW CORNER OF SECTION 28
4 N	27 E	WM	28	NW SW	WELL 2: 1650 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	28	SW NW	3.0

12. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1.3 miles from the existing Well 1 and approximately 1.5 miles from the existing Well 2, to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

13. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	0.4
4 N	27 E	WM	19	SE SE	2.6

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

Certificate: 81895 in the name of JEDEDIAH AYLETT (perfected under Permit U-725)

Use: IRRIGATION of 3.0 ACRES

Priority Date: MAY 2, 1955

Rate: 0.037 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 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: CHAPMAN WELL 2 in the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	28	NW SW	WELL 2: 24.5 CHAINS NORTH AND 19.5 CHAINS EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	28	NW SW	3.0

15. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1.5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

16. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

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

Certificate: 53373 in the name of JAMES A. WOOD AND ALBERT STARR (perfected under Permit G-2953)

Use: IRRIGATION of 3.9 ACRES

Priority Date: JUNE 19, 1958

Rate: 0.05 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 and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: A WELL within the BUTTER CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	30	NW SE	SE WELL: 3830 FEET SOUTH AND 4160 FEET EAST FROM THE NW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	30	SW NE	0.3
4 N	27 E	WM	30	SE NE	0.2
4 N	27 E	WM	30	NE SW	0.3
4 N	27 E	WM	30	SE SW	0.3
4 N	27 E	WM	30	NE SE	0.8
4 N	27 E	WM	30	NW SE	0.5
4 N	27 E	WM	30	SW SE	0.6
4 N	27 E	WM	30	SE SE	0.9
Total					3.9

18. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1.0 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

19. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.9

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

Certificate: 44539 in the name of JAMES A WOOD AND ALBERT STARR (perfected under Permit G-2952)

Use: IRRIGATION of 7.6 ACRES

Priority Date: JUNE 19, 1958

Rate: 0.10 CUBIC FOOT PER SECOND, BEING 0.05 CFS FROM EACH WELL

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 a

diversion of 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: TWO WELLS within the BUTTER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	27 E	WM	30	NW NE		NE WELL: 1190 FEET SOUTH AND 4170 FEET EAST FROM THE NW CORNER OF SECTION 30
4 N	27 E	WM	30	SW NW	2	NW WELL: 1280 FEET SOUTH AND 1350 FEET EAST FROM THE NW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well
4 N	27 E	WM	19	SW SW	4	0.4	NW
4 N	27 E	WM	19	SE SW		0.3	NW
4 N	27 E	WM	19	SW SE		0.4	NE
4 N	27 E	WM	19	SE SE		0.3	NE
4 N	27 E	WM	30	NE NE		0.7	NE
4 N	27 E	WM	30	NW NE		0.4	NE
4 N	27 E	WM	30	SW NE		0.7	NE
4 N	27 E	WM	30	SE NE		0.8	NE
4 N	27 E	WM	30	NE NW		0.3	NE
4 N	27 E	WM	30	NE NW		0.7	NW
4 N	27 E	WM	30	NW NW	1	0.7	NW
4 N	27 E	WM	30	SW NW	2	0.9	NW
4 N	27 E	WM	30	SE NW		0.2	NE
4 N	27 E	WM	30	SE NW		0.8	NW
Total						7.6	

21. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 0.46 mile from the existing NE Well and approximately 0.89 mile from the existing NW Well, to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

22. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	5.1
4 N	27 E	WM	30	NE NE	2.5

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

Certificate: 84119 in the name of COUNTY LINE WATER IMPROVEMENT DISTRICT (perfected under Permit G-10836)
Use: SUPPLEMENTAL IRRIGATION of 17.5 ACRES
Priority Date: FEBRUARY 15, 1978
Rate: 0.21 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) and 3.0 acre-feet for each acre irrigated during the irrigation season of March 10 to October 15 for each calendar year. This right does not alter the Ordinance Critical Ground Water Area Order.
Source: ARTIFICIALLY RECHARGED GROUND WATER FROM 5 WELLS in the ORDINANCE CRITICAL GROUND WATER AREA

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	27 E	WM	28	SE NW		WELL 1: 3700 FEET NORTH AND 1390 FEET EAST FROM THE SW CORNER OF SECTION 28
4 N	27 E	WM	28	NW SW		WELL 2: 1650 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 28
4 N	27 E	WM	30	NW NE		NE WELL: 1190 FEET SOUTH AND 4170 FEET EAST FROM THE NW CORNER OF SECTION 30
4 N	27 E	WM	30	SW NW	2	NW WELL: 1280 FEET SOUTH AND 1350 FEET EAST FROM THE NW CORNER OF SECTION 30
4 N	27 E	WM	30	NW SE		SE WELL: 3830 FEET SOUTH AND 4160 FEET EAST FROM THE NW CORNER OF SECTION 30

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	27 E	WM	19	SW SW	4	0.4
4 N	27 E	WM	19	SE SW		0.3
4 N	27 E	WM	19	SW SE		0.4
4 N	27 E	WM	19	SE SE		0.3
4 N	27 E	WM	28	SW NW		3.0
4 N	27 E	WM	28	NW SW		3.0
4 N	27 E	WM	30	NE NE		0.7
4 N	27 E	WM	30	NW NE		0.4
4 N	27 E	WM	30	SW NE		1.0
4 N	27 E	WM	30	SE NE		1.0
4 N	27 E	WM	30	NE NW		1.0
4 N	27 E	WM	30	NW NW	1	0.7
4 N	27 E	WM	30	SW NW	2	0.9
4 N	27 E	WM	30	SE NW		1.0
4 N	27 E	WM	30	NE SW		0.3
4 N	27 E	WM	30	SE SW		0.3
4 N	27 E	WM	30	NE SE		0.8
4 N	27 E	WM	30	NW SE		0.5
4 N	27 E	WM	30	SW SE		0.6

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	27 E	WM	30	SE SE		0.9
Total						17.5

24. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1.36 miles from the existing Well 1, approximately 1.5 miles from the existing Well 2, approximately 0.46 from the existing NE Well, approximately 1.04 miles from the NW Well and approximately 0.86 mile from the SE Well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

25. Transfer Application T-11514 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	0.5
4 N	27 E	WM	19	SE SE	14.5
4 N	27 E	WM	30	NE NE	2.5
Total					17.5

Transfer Review Criteria (OAR 690-380-4010)

26. 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.
27. 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-11514.
28. The proposed changes would not result in enlargement of the rights
29. The proposed changes would not result in injury to other water rights.
30. All other application requirements are met.

Conclusions of Law


The changes in points of appropriation and changes in place of use proposed in Transfer Application T-11514 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 changes in points of appropriation and changes in place of use proposed in Transfer Application T-11514 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 87298, 87299, 87300, 60552, 81895, 53373, 44539, 84119 and any related decree.
3. Water right certificates 87298, 87299, 87300, 60552, 81895, 53373, 44539, and 84119 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
6. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
7. The former places of use of the transferred rights shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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, certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 29 day of October, 2014.



Dwight French, Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: OCT 31 2014