



5. On August 22, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12392 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 24, 2018, 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.
6. On January 22, 2020, the Department determined the change in place of use of 2.0 acres in SWSW, and 2.0 acres in SESW of Section 8, T18S, R46E, WM, appeared not to have been irrigated within the previous 5 years prior to submittal of T-12392, being May 19, 2011, to May 19, 2016.
7. On February 7, 2020, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiency regarding non-use of water on the place of use identified in Finding of Fact 3 and 5. The Department requested that the deficiency be resolved by March 9, 2020.
8. On March 7, 2020, the applicant's agent requested additional time to resolve the deficiency regarding non-use of water. The Department requested that the deficiency be resolved by April 10, 2020.
9. On April 7, 2020, the applicant's agent requested additional time to resolve the deficiency regarding non-use of water. The Department requested that the deficiency be resolved by May 11, 2020.
10. On April 28, 2020, the applicant's agent confirmed that requesting an additional point of appropriation would be the only change moving forward with T-12392.
11. On July 29, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-12392 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 4, 2020, and in the Argus Observer newspaper on February 3 and 10, 2021 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

10. The right to be transferred is as follows:

- Certificate:** 87476 in the name of ROBERT K. GREASSLEY (perfected under Permit G-12071)
- Use:** IRRIGATION of 13.0 ACRES and SUPPLEMENTAL IRRIGATION of 181.3 ACRES
- Priority Date:** MAY 9, 1991 FOR 0.53 CFS FROM WELL 1, AND JULY 23, 1992 FOR 0.72 CFS FROM WELL 2
- Rate:** 1.25 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, is limited to a diversion of ONE-FORTIETH 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:** WELLS 1 AND 2 in the MALHEUR RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	46 E	WM	7	NE SE	WELL 1 - 286 FEET SOUTH AND 232 FEET WEST FROM THE WEST 1/4 CORNER OF SECTION 8
18 S	46 E	WM	8	SW SW	WELL 2 - 1588 FEET SOUTH AND 15 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 8

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
18 S	46 E	WM	8	SW SW	8.8
18 S	46 E	WM	8	SE SW	1.9
18 S	46 E	WM	8	SW SE	2.3
Total					13.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
18 S	46 E	WM	8	NE SW	33.9
18 S	46 E	WM	8	NW SW	38.4
18 S	46 E	WM	8	SW SW	24.0
18 S	46 E	WM	8	SE SW	30.8
18 S	46 E	WM	8	NW SE	6.4
18 S	46 E	WM	8	SW SE	29.3
18 S	46 E	WM	8	SE SE	18.5
Total					181.3

11. Transfer Application T-12392 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in feet (ft.)	
18 S	46 E	WM	8	NW SW	WELL 3 - 28 FEET SOUTH AND 900 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 8	WELL 1	WELL 2
						1210 ft.	1870 ft.

**Transfer Review Criteria (OAR 690-380-4010)**

12. 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.
13. 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-12392.
14. The proposed changes would not result in enlargement of the right.

15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

**Conclusions of Law**

The additional point of appropriation proposed in Transfer Application T-12392 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

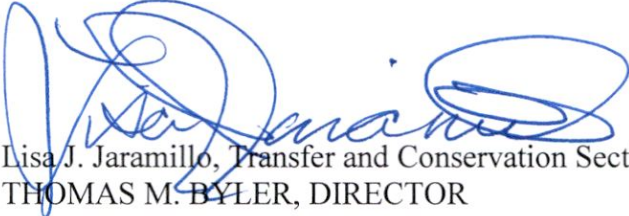
**Now, therefore, it is ORDERED:**

1. The additional point of appropriation proposed in Transfer Application T-12392 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 87476 and any related decree.
3. Water right Certificate 87476 is cancelled.
4. The quantity of water diverted at the additional point of appropriation (Well 3), together with that diverted at the original points of appropriation (Wells 1 and 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1 and 2).
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 points of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

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

**MAR 30 2021**

Dated at Salem, Oregon this \_\_\_\_\_.



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

Mailing date: \_\_\_\_\_

**MAR 31 2021**