

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-12112, Wasco County	)	EMERGENCY USE DROUGHT
	)	TEMPORARY ADDITIONAL POINT
	)	OF APPROPRIATION

**Authority**

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

JOHN CARTER  
3803 PLEASANT RIDGE RD  
THE DALLES, OR 97058

**Findings of Fact**

1. On July 27, 2015, JOHN CARTER filed an application to temporarily add a point of appropriation under Certificate 81733 for the remainder of the 2015 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-12112.
2. Notice of the application for transfer was published on August 4, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 4, 2015, the Department contacted the applicant by telephone and by written correspondence to notify the applicant of deficiencies in the application. Supplemental Form D was missing and the table in the application describing the changes needed amending. On August 9, 2015, the applicant submitted the required Form and an amended application page resolving the deficiencies.
4. The right to be temporarily transferred is as follows:  
**Certificate:** 81733 in the name of C AND F ORCHARDS (perfected under Permit G-8294)

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

**Use:** IRRIGATION OF 0.8 ACRE AND SUPPLEMENTAL IRRIGATION OF 130.7 ACRES

**Priority Date:** FEBRUARY 10, 1978

**Rate:** 1.64 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 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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

**Source:** FLINN WELL in the THREE MILE CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	13 E	WM	27	NE NW	FLINN WELL: 170 FEET SOUTH AND 1660 FEET WEST FROM THE SE CORNER, SWSE OF SECTION 22

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	22	SE NW	0.3
1 N	13 E	WM	22	NE SW	0.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	22	SE NW	5.7
1 N	13 E	WM	22	NE SW	29.1
1 N	13 E	WM	22	SE SW	20.2
1 N	13 E	WM	22	NW SE	4.7
1 N	13 E	WM	22	SW SE	34.1
1 N	13 E	WM	22	SE SE	1.9
1 N	13 E	WM	27	NW NE	27.3
1 N	13 E	WM	27	NE NW	7.7
Total Acres:					130.7

5. Temporary Drought Transfer Application T-12112 proposes to temporarily add an additional point of appropriation approximately 410 feet south from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	13 E	WM	27	NE NW	NEW WELL: 1000 FEET SOUTH AND 370 FEET WEST FROM THE N1/4 CORNER OF SECTION 27

**Temporary Drought Transfer Review Criteria**

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The Governor issued an executive order on May 21, 2015, declaring a state of drought emergency in Wasco County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

### **Conclusions of Law**

The temporary change in an additional point of appropriation proposed in Temporary Drought Transfer Application T-12112 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

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

1. The temporary change in an additional point of appropriation proposed in Temporary Drought Transfer Application T-12112 is approved.
2. Groundwater production in the proposed well shall be limited to a single aquifer in the Columbia River Basalt Group lavas. The open interval in the well shall be no greater than 100 feet except as noted below. Open interval means the total length of borehole that is not behind sealed casing. The borehole above the open interval shall be continuously cased and continuously sealed to land surface. A larger open interval may be approved by the Department if the applicant can demonstrate, using packer tests or other suitable methods, that the hydraulic heads of water-bearing zones in the proposed open interval are equivalent or if the applicant can demonstrate that the open interval is part of a continuous zone of interconnected porous materials such as a sequence of pillow lavas or an hyaloclastite complex.
3. Prior to using water from any well listed on this permit, the water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. 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.
  - 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.
5. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
6. The proposed change in an additional point of appropriation shall revert to the authorized point of appropriation at the end of the 2015 irrigation season or the end of the Governor's declared drought, whichever occurs first.

Dated at Salem, Oregon this 17 day of August, 2015.

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

Mailing Date: AUG 19 2015