

7. On June 29, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12424 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 31, 2017, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On August 7, 2017, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12424 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 August 15, 2017, and in the Observer newspaper on August 14 and 21, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
9. The portion of the right to be transferred is as follows:

Certificate: 83763 in the name of AGRI STAR INC., RAYMOND & DONNA GOEBEL, AND WILSON FAMILY RANCHES (perfected under Permit G-437)

Use: SUPPLEMENTAL IRRIGATION OF 857.5 ACRES

Priority Date: JANUARY 24, 1957

Rate: 3.31 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 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: WELLS 1 AND 2 within the NORTH POWDER RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	39 E	WM	20	SW SE	WELL 1 - 1221 FEET NORTH AND 2211 FEET WEST FROM THE SE CORNER OF SECTION 20
6 S	39 E	WM	20	NE NW	WELL 2 - 1122 FEET SOUTH AND 3366 FEET WEST FROM THE NE CORNER OF SECTION 20

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	39 E	WM	20	NE NE	38.9
6 S	39 E	WM	20	NW NE	38.6
6 S	39 E	WM	20	SW NE	39.0
6 S	39 E	WM	20	SE NE	38.3
6 S	39 E	WM	20	NE NW	29.1
6 S	39 E	WM	20	NW NW	0.4
6 S	39 E	WM	20	SW NW	1.5
6 S	39 E	WM	20	SE NW	37.9
6 S	39 E	WM	20	NE SW	4.9
6 S	39 E	WM	20	SE SW	0.1

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	39 E	WM	20	NE SE	38.7
6 S	39 E	WM	20	NW SE	38.8
6 S	39 E	WM	20	SW SE	29.5
6 S	39 E	WM	20	SE SE	40.0
6 S	39 E	WM	21	NE NE	36.5
6 S	39 E	WM	21	NW NE	28.0
6 S	39 E	WM	21	SW NE	39.9
6 S	39 E	WM	21	SE NE	40.0
6 S	39 E	WM	21	NE NW	37.0
6 S	39 E	WM	21	NW NW	39.5
6 S	39 E	WM	21	SW NW	38.8
6 S	39 E	WM	21	SE NW	37.0
6 S	39 E	WM	21	NE SW	37.9
6 S	39 E	WM	21	NW SW	38.5
6 S	39 E	WM	21	SW SW	40.0
6 S	39 E	WM	21	SE SW	40.0
6 S	39 E	WM	22	NW NW	5.7
6 S	39 E	WM	22	SW NW	23.0
Total					857.5

10. Transfer Application T-12424 proposes additional points of appropriation with the approximate distances from the existing points of appropriation listed in the table below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Well 1	Distance from Well 2
6 S	39 E	WM	20	NE NW	WELL 3 - 150 FEET SOUTH AND 1760 FEET EAST FROM THE NW CORNER OF SECTION 20	4073 ft.	875 ft.
6 S	39 E	WM	20	NE SE	WELL 4 - 2340 FEET NORTH AND 35 FEET WEST FROM THE SE CORNER OF SECTION 20	2470 ft.	3950 ft.

Transfer Review Criteria (OAR 690-380-4010)

11. 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.
12. 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-12424.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-12424 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 additional points of appropriation proposed in Transfer Application T-12424 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 Certificate 83763 and any related decree.
3. Water Right Certificate 83763 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 points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points 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 new 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.
6. When constructed, Wells 3 and 4 shall be continuously cased and sealed to a depth of 180 feet below land surface.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
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 at Salem, Oregon this ____ day of September, 2017.



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

Mailing date: OCT 04 2017