



alluvial aquifer or basalt aquifer. According to the application, it appeared that proposed historic POA Well 5 was being requested as an additional POA.

4. On February 3, 2020, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application, regarding the commingling of Wells 1 and 3. The Department requested that the deficiency be resolved by March 5, 2020.
5. On February 25, 2020, the Department granted additional time to resolve the deficiency to April 6, 2020.
6. On February 26, 2020, the Department determined proposed POA Well 5 appears to comply with the Water Well Construction Standards (OAR 690-200-0043 and 690-210-0150), as proposed POA Well 5 was confirmed to be the sole authorized POA for the applicant's place of use, and not an additional POA to Wells 1 and 3.
7. On April 6, 2020, the Department received a revised Table 1, indicating that proposed POA Well 5 is the only POA to be used by the applicant, resolving the deficiency.
8. The portion of the right to be transferred is as follows:

**Certificate:** 86049 in the name of CHARLES WAVRA (perfected under Permit G-10828)

**Use:** IRRIGATION of 45.5 ACRES

**Priority Date:** FEBRUARY 11, 1987

**Rate:** 0.255 CUBIC FOOT PER SECOND (CFS), BEING NOT TO EXCEED 0.255 CFS FROM WELL 1 AND 0.255 CFS FROM WELL 2

**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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation herein.

**Source:** TWO WELLS, in the WILLAMETTE BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 W	WM	15	NW NE	52	WELL 2 – 1150 FEET SOUTH AND 90 FEET WEST FROM THE NE CORNER OF DLC 52
6 S	1 W	WM	15	NE SE	54	WELL 1 – 1790 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 15

**Authorized Place of Use:**

IRRIGATION						
Well(s)	Twp	Rng	Mer	Sec	Q-Q	Acres
1 & 2	6 S	1 W	WM	22	NE NE	29.0
1 & 2	6 S	1 W	WM	22	NW NE	16.5
Total						45.5

9. Transfer Application T-13130 proposes to move the authorized point of appropriation to reflect historical use to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in miles (mi.)	
6 S	1 W	WM	22	NE NE	WELL 5 – 40 FEET SOUTH AND 225 FEET WEST FROM THE NE CORNER OF SECTION 22	WELL 1	WELL 2
						0.3 mi.	0.8 mi.

***Transfer Review Criteria (ORS 540.532 and OAR 690-380-2120)***

10. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of appropriation for the water right in question, as described in Finding No. 9, has been in use for more than 10 years.
11. Pursuant to OAR 690-380-2120(2)(c), the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
12. The Department did not identify any affected water rights pursuant to OAR 690-380-2120(3).
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-13130.
14. The proposed change would not result in enlargement of the right.
15. The proposed change would not result in injury to other water rights.

**Conclusions of Law**

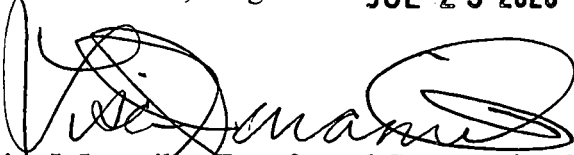
The proposed change in point of appropriation to reflect historical use in application T-13130 is consistent with the requirements of ORS 540.532, and OAR 690-380-2120.

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

1. The change proposed in T-13130 is approved and effective immediately.

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 86049 and any related decree.
3. Water right certificate 86049 is cancelled. Certificate 95019 will be issued to describe the change in point of appropriation for the portion of the right included in T-13130. Certificate 95020 shall be issued to describe the portion of Certificate 86049 not modified by this order. Together, the new Certificates shall supersede Certificate 86049.
4. The quantity of water diverted at the new point of appropriation (Well 5) shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 and Well 2).

Dated in Salem, Oregon on **JUL 23 2020**



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

*Mailing date:* **JUL 24 2020**