

5. The right to be transferred is as follows:

Certificate: 90018 in the name of PORT OF MORROW (perfected under Permit G-8263)
Use: MUNICIPAL USES
Priority Date: JUNE 19, 1978
Rate: 1.11 CUBIC FEET PER SECOND, provided that the use of water for municipal use shall not exceed in any one year the peak amount of water actually used by the industry in any one of the five years prior to January 5, 1994.
Source: PORT WELL No. 2, within the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	10	NE NW	PORT WELL No. 2 - 1069 FEET SOUTH AND 1378 FEET EAST FROM THE NW CORNER OF SECTION 10

Authorized Place of Use:

THE PORT OF MORROW SERVICE AREA NEAR BOARDMAN, OREGON

6. Transfer Application T-12081 proposes to change the point of appropriation to: EB Well Nos. 1, 2, 3 and 4, located approximately 1½ miles northeast; EB Well No. 5, located approximately 3/4 mile northeast; Port Well No. 3, located thirty feet west, all from the existing Port Well 2. The proposed points of appropriation are further located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	2	SE NW	EB WELL No. 1 - 1377 FEET SOUTH AND 3659 FEET WEST FROM THE NE CORNER OF SECTION 10
4 N	25 E	WM	2	SE NW	EB WELL No. 2 - 1448 FEET SOUTH AND 3724 FEET WEST FROM THE NE CORNER OF SECTION 2
4 N	25 E	WM	2	SE NW	EB WELL No. 3 - 1590 FEET SOUTH AND 3845 FEET WEST FROM THE NE CORNER OF SECTION 2
4 N	25 E	WM	2	SE NW	EB WELL No. 4 - 1665 FEET SOUTH AND 3910 FEET WEST FROM THE NE CORNER OF SECTION 2
4 N	25 E	WM	3	SE SE	EB WELL No. 5 - 1005 FEET NORTH AND 70 FEET WEST FROM THE SE CORNER OF SECTION 3
4 N	25 E	WM	10	NE NW	PORT WELL No. 3 - 1073 FEET SOUTH AND 1348 FEET EAST FROM THE NW CORNER OF SECTION 10

7. The Department has determined that the proposed points of appropriation all develop the same source of water as the authorized existing Port Well 2 for Certificate 90018.

8. On May 8, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12081 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 7, 2017, for the applicant to respond. On June 5, 2017, the agent and Port Engineer for 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. The agent for the applicant also requested an additional year to make complete beneficial use under the transfer. The Department approved an additional year extended to October 1, 2020, as a completion date.

On August 14, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12081 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 22, 2017, and in the Heppner Gazette newspaper on August 23 and 30, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

9. The Port of Morrow is a municipality as defined in ORS Chapter 540.510(3)(b), Chapter 261 and a water supplier defined in ORS 448.115. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is not required to provide a report of ownership information.

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A well, pumps, pipeline, and municipal delivery 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-12081.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-12081 is 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 change in point of appropriation proposed in Transfer Application T-12081 is approved.
2. The right to use of the water is restricted to beneficial use at the place of use described, and will continue to be subject to all other conditions and limitations contained in Certificate 90018 and any related decree.
3. Water right Certificate 90018 is cancelled.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation, Port Well 2.
5. The quantity of water diverted at the points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation, totaling 1.11 cfs to be used in any combination between Port Well No. 3, EB Well Nos. 1, 2, 3, 4, and 5.

6. 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 and existing) points 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.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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
8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 10th day of October, 2017,



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

Mailing date: OCT 18 2017