



3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	15	NE NW	1030 FEET SOUTH AND 1420 FEET EAST FROM THE NW CORNER OF SECTION 15

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	15	NE NW	2.30
3 N	29 E	WM	15	NW NW	3.32
3 N	29 E	WM	15	SW NW	2.04

- Transfer Application T-11047 proposes to add an additional point of appropriation approximately 0.9 mile northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	29 E	WM	9	SE SW	SEIBEL WELL: 380 FEET NORTH AND 3120 FEET WEST FROM THE SE CORNER OF SECTION 9

- Notice of the application for transfer was published on April 6, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On June 22, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11047 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 22, 2010, for the applicant to respond.
- On July 14, 2010, it came to the Department's attention that the proposed points of appropriation (which were actually the original points of appropriation for this right) are now in Subarea H of the Stage Gulch Critical Groundwater Area, whereas the currently authorized point of appropriation is in Subarea A. Since the subareas are managed separately, the Department cannot allow points of appropriation from more than one subarea in a water right.
- On July 14, 2010 the Department informed Fred Widman and his agent, Bill Porfily, of the new information and that the Department would not be able to approve the transfer as proposed. However, if the transfer application were to be modified to instead propose additional wells in Subarea A, the Department would consider whether the transfer might be approvable. On August 11, 2010, the applicant revised the transfer application and map to propose the Siebel well that is in Subarea A as the additional point of appropriation. The applicant requested that the Department proceed with issuance of a Preliminary Determination and has provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

9. Water has been used within the last five years prior to the submittal of Transfer Application T-11047 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.
10. 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-11047.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-11047 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-11047 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-11047 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 85272 and any related decree.*
3. *Water right Certificate 85272 is cancelled.*
4. *The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
6. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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.*
7. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 10<sup>th</sup> day of September 2010.



for Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrд.state.or.us](mailto:Dorothy.I.Pedersen@wrд.state.or.us).

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Salem, Suite A, OR 97301-1266.