

acre-feet per acre for each acre irrigated during the irrigation season of each year. The irrigation season used herein shall include any time of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise the soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season, provided the amount of water used at the authorized place of use, together with the amount of water approved for use under Certificate 86680 shall not exceed 1.86 cubic feet per second and 1,014.56 acre-feet per year, which reflect the capacity of the well system at the time of perfection attributable to the rights modified by T-10692.

The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted from the original point of appropriation, REW Well #1, shall not exceed the quantity of water lawfully available from the original point of appropriation. The quantity of water allowed to be diverted from REW WELL #1 for the rights perfected under Permits G-5335 and G-5337 is limited to a quantity of water not to exceed 2.0 cubic feet per second, the capacity of the well system at the time of perfection of the rights.

Source: SIX WELLS within the UMATILLA RIVER BASIN

Authorized Points of Appropriation:

WELL NAME	TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
HALE #8	3N	29E	WM	14	SW NW	1350 FEET SOUTH AND 50 FEET WEST FROM THE NE CORNER OF THE NW1/4 NW1/4 OF SECTION 14
COPPINGER #3	3N	29E	WM	23	SE NE	3960 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 23
COPPINGER #1	3N	29E	WM	24	SW NE	20 FEET NORTH AND 1490 FEET WEST FROM THE E1/4 CORNER OF SECTION 24
HALE #3	3N	30E	WM	7	SW SW	1420 FEET SOUTH AND 40 FEET EAST FROM THE W1/4 CORNER OF SECTION 7
DITCHENS LAND CO. #2	3N	30E	WM	20	SW SW	80 FEET EAST FROM THE SW CORNER OF SECTION 20
DITCHENS LAND CO. #1	3N	30E	WM	30	NE SW	30 FEET SOUTH AND 640 FEET WEST FROM THE C 1/4 CORNER OF SECTION 30

- The Department became aware of a scrivener's error in the description of the location for Ditchens Land Co. #2 well in Certificate 86679 (stemming from an original scrivener's error in the T-10692 application that was carried forward into the certificate). This well is listed correctly on Certificate 84095 as:

WELL NAME	TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
DITCHENS LAND CO. #2	3N	30E	WM	20	SW SW	100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	30 E	WM	5	SE SW	3.35
3 N	30 E	WM	7	NE SE	29.10
3 N	30 E	WM	7	NW SE	28.50
3 N	30 E	WM	7	SW SE	28.90
3 N	30 E	WM	7	SE SE	31.30
3 N	30 E	WM	8	NE NW	30.50
3 N	30 E	WM	8	NW NW	31.40
3 N	30 E	WM	8	SW NW	31.20
3 N	30 E	WM	8	SE NW	30.70
3 N	30 E	WM	8	NE SW	5.05
Total Acres:					250.00

5. Transfer Application T-11149 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	23	NE SE	30.9
3 N	29 E	WM	23	NW SE	33.1
3 N	29 E	WM	23	SW SE	31.4
3 N	29 E	WM	23	SE SE	32.7
3 N	29 E	WM	24	NE NW	11.8
3 N	29 E	WM	24	NW NW	6.0
3 N	29 E	WM	24	SW NW	38.5
3 N	29 E	WM	24	SE NW	25.4
3 N	29 E	WM	24	NE SW	19.8
3 N	29 E	WM	24	NW SW	20.4
Total Acres:					250.0

6. The second right to be transferred is as follows:

Certificate: 86680 in the name of Hale Farms LLC (perfected under Permit G-5337)

Use: IRRIGATION of 120.45 ACRES

Priority Date: OCTOBER 21, 1974

Rate: 1.25 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, shall be 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, provided the amount of water used at the authorized place of use, together with the amount of water approved for use under Certificate 86679 shall not exceed 1.86 cubic feet per second and 1,014.56 acre-feet per year, which reflect the capacity of the well system at the time of perfection attributable to the rights modified by T-10692.

The quantity of water diverted at the new points of appropriation (wells), together with the quantity diverted from the original point of appropriation, REW Well #1, shall not exceed the quantity of water lawfully available from the original point of appropriation. The quantity of water allowed to be diverted from REW WELL #1 for the rights perfected under Permits G-5335 and G-5337 is limited to a quantity of water not to exceed 2.0 cubic feet per second, the capacity of the well system at the time of perfection of the rights.

Source: SIX WELLS in the UMATILLA RIVER BASIN

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COPPINGER #1	3N	29E	WM	24	SW NE	20 FEET NORTH AND 1490 FEET WEST FROM THE E 1/4 CORNER OF SECTION 24
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DITCHENS LAND CO. #1	3N	30E	WM	30	NE SW	30 FEET SOUTH AND 640 FEET WEST FROM THE C 1/4 CORNER OF SECTION 30

- The Department became aware of a scrivener's error in the description of the location for Ditchens Land Co. #2 well in Certificate 86679 (stemming from an original scrivener's error in the T-10692 application that was carried forward into the certificate). This well is listed correctly on Certificate 84095 as:

WELL NAME	TWP	RNG	MER	SEC	Q-Q	MEASURED DISTANCES
DITCHENS LAND CO. #2	3N	30E	WM	20	SW SW	100 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 20

Authorized Place of Use:

TWP	RNG	MER	SEC	Q-Q	ACRES
3N	30E	WM	5	NE SW	29.80
3N	30E	WM	5	NW SW	28.20
3N	30E	WM	5	SW SW	34.00
3N	30E	WM	5	SE SW	28.45
TOTAL:					120.45

8. Transfer Application T-11149 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	29 E	WM	13	SW SW	6.50
3 N	29 E	WM	13	SE SW	6.30
3 N	29 E	WM	24	NE NW	23.30
3 N	29 E	WM	24	NW NW	34.00
3 N	29 E	WM	24	SE NW	12.10
3 N	30 E	WM	6	NE SE	9.10
3 N	30 E	WM	6	SE SE	29.15
Total Acres:					120.45

9. Notice of the application for transfer was published on November 23, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
10. On January 24, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11149 to the applicant and agents. The draft Preliminary Determination set forth a deadline of February 24, 2011, for the applicant to respond. The agent provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and requested and requested modifications to correct scrivener's errors in the draft document.
11. On February 25, 2011, the Department e-mailed a copy of a revised draft Preliminary Determination for Transfer Application T-11149 to the applicant and agent. The agent reviewed the revised draft, noted one further scrivener's error (which has been corrected in this document) and requested that the Department proceed with issuance of a Preliminary Determination.

Transfer Review Criteria (OAR 690-380-4010)

12. Water has been used within the last five years prior to the submittal of Transfer Application T-11149 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
13. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11149.
14. The proposed change would not result in enlargement of the rights.
15. The proposed change would not result in injury to other water rights.


Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11149 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 application T-11149 is approved, the final order will include the following:

- 1. The change in place of use proposed in application T-11149 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 Certificates 86679 and 86680 and any related decree.*
- 3. Water right certificates 86679 and 86680 are cancelled.*
- 4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
- 5. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. 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, new certificates confirming the rights transferred will be issued, and correcting the location of Ditchens Land Co. #2 Well.*

Dated at Salem, Oregon this 8 day of March, 2011.


Dwight French for
PHILLIP C WARD, DIRECTOR

This Preliminary Determination was prepared by Carrie Jones, with modifications by Dorothy Pedersen. If you have questions about the information in this document, you may reach me at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

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