

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application) **PRELIMINARY DETERMINATION**
T-11684, Baker County) **PROPOSING APPROVAL OF**
) **ADDITIONAL POINTS OF**
) **APPROPRIATION**

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DAVE BLATCHFORD
44857 BROWN RD
BAKER CITY, OR 97814

Findings of Fact

1. On November 14, 2013, DAVE BLATCHFORD filed an application for additional points of appropriation under Certificates 52712 and 52849. The Department assigned the application number T-11684.
2. Notice of the application for transfer was published on November 26, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 24, 2014, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11684 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 25, 2014, for the applicant to respond. 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.

4. The first right to be transferred is as follows:

Certificate: 52712 in the name of JAMES BLATCHFORD (perfected under Permit G-6512)
Use: SUPPLEMENTAL IRRIGATION of 239.1 ACRES
Priority Date: JUNE 23, 1975
Rate: 2.23 CUBIC FEET PER SECOND

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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 and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELL 2 within the POWDER RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	16	NW SW	WELL 2: 1210 FEET SOUTH AND 50 FEET EAST FROM THE W1/4 CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	17	NE SW	32.9
8 S	39 E	WM	17	NW SW	35.5
8 S	39 E	WM	17	SW SW	32.3
8 S	39 E	WM	17	SE SW	32.0
8 S	39 E	WM	17	NE SE	31.9
8 S	39 E	WM	17	NW SE	10.7
8 S	39 E	WM	17	SW SE	32.3
8 S	39 E	WM	17	SE SE	31.5
Total					239.1

5. Transfer Application T-11684 proposes additional points of appropriation approximately 0.24 mile for Well 4 and 0.34 mile for Well 5 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	17	NE SE	WELL 4: 2475 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 17
8 S	39 E	WM	20	NE NE	WELL 5: 400 FEET SOUTH AND 130 FEET WEST FROM THE NE CORNER OF SECTION 20

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

Certificate: 52849 in the name of JIM AND DAVE BLATCHFORD (perfected under Permit G-10138)

Use: SUPPLEMENTAL IRRIGATION of 194.2 ACRES

Priority Date: APRIL 18, 1983

Rate: 2.43 CUBIC FEET PER SECOND; being 1.61 cfs from Well 2 and 0.82 cfs from Well 3

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 further that in the event of a request for a change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELL 2 and WELL 3 within the POWDER RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	16	NW SW	WELL 2: 1210 FEET SOUTH AND 50 FEET EAST FROM THE W1/4 CORNER OF SECTION 16
8 S	39 E	WM	16	NW SE	WELL 3: 1320 FEET NORTH AND 1370 FEET WEST FROM THE SE CORNER OF SECTION 16

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	39 E	WM	16	NE SW	34.6
8 S	39 E	WM	16	NW SW	31.3
8 S	39 E	WM	16	SW SW	30.0
8 S	39 E	WM	16	SE SW	35.2
8 S	39 E	WM	20	NE NE	14.2
8 S	39 E	WM	20	NW NE	33.3
8 S	39 E	WM	20	SW NE	11.4
8 S	39 E	WM	20	SE NE	4.2
Total					194.2

- Transfer Application T-11684 proposes additional points of appropriation approximately 0.24 mile from Well 4 and 0.34 mile from Well 5 from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	39 E	WM	17	NE SE	WELL 4: 2475 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 17
8 S	39 E	WM	20	NE NE	WELL 5: 400 FEET SOUTH AND 130 FEET WEST FROM THE NE CORNER OF SECTION 20

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used within the last five years 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.
- 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-11684.

10. Provided totalizing flow meters are installed as conditioned below, the proposed change would not result in enlargement of the right.
11. If conditioned as follows, the proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Determination and Proposed Action


The additional points of appropriation proposed in Transfer Application T-11684 appear 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-11684 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-11684 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 Certificates 52712 and 52849 and any related decree.*
3. *Water right Certificates 52712 and 52849 are cancelled. A new certificate for 52849 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. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *To monitor the effect of water use from the wells authorized, the Department requires the water user to make and report annual static water-level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.*

8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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 changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the right transferred will be issued.*

Dated at Salem, Oregon this 9 day of April, 2014.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-986-0890 or Sarah.A.Henderson@wrđ.state.or.us.

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