



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

September 11, 2014

VIA E-MAIL

JEDEDIAH W. AYLETT  
75816 FRONTAGE RD  
HERMISTON, OR 97838

SUBJECT: Water Right Transfer Application T-11514

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11514. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the East Oregonian newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0890 or [Sarah.A.Henderson@wrdd.state.or.us](mailto:Sarah.A.Henderson@wrdd.state.or.us) if I may be of assistance.

Sincerely,

Sarah Henderson  
Transfer Specialist  
Transfer and Conservation Section

cc: T-11514  
Tony G. Justus, District 5 Watermaster (via e-mail)  
William I. Porfily, Agent for the applicant (via e-mail)  
TJ Hansell, County Line Improvement District  
Dale Van Schoiack, CWRE #333 (via e-mail)  
Jeff Wood, Wood Farm, LLC, Landowner

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**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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** WELL #B within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

5. Transfer Application T-11514 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

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

**Certificate:** 87299 in the name of JEDEDIAH W. AYLETT (perfected under Permit G-190)

**Use:** IRRIGATION of 3.0 ACRES

**Priority Date:** MARCH 26, 1956

**Rate:** 0.037 CUBIC FOOT 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, 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** WELL #B within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

7. Transfer Application T-11514 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	0.3
4 N	27 E	WM	19	SE SE	2.7

8. The third right to be transferred is as follows:

**Certificate:** 87300 in the name of JEDEDIAH W. AYLETT (perfected under Permit G-2782)

**Use:** IRRIGATION of 3.0 ACRES

**Priority Date:** FEBRUARY 4, 1965

**Rate:** 0.037 CUBIC FOOT 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, 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** WELL #B within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

9. Transfer Application T-11514 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	2.3
4 N	27 E	WM	19	SE SE	0.7

10. The portion of the fourth right to be transferred is as follows:

**Certificate:** 60552 in the name of JEDEDIAH AYLETT (perfected under Permit G-4929)

**Use:** IRRIGATION of 3.0 ACRES

**Priority Date:** NOVEMBER 16, 1971, FOR 0.031 CFS AND DECEMBER 3, 1971, FOR 0.006 CFS, limited to not more than 0.037 CUBIC FOOT 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 a diversion of 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 THE WELLS SHALL NOT EXCEED 120 FEET IN DEPTH, NOR APPROPRIATE WATER FROM AN AQUIFER BELOW THAT DEPTH. The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** WELLS 1 and 2, in the COLUMBIA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	28	SE NW	WELL 1: 3700 FEET NORTH AND 1390 FEET EAST FROM THE SW CORNER OF SECTION 28
4 N	27 E	WM	28	NW SW	WELL 2: 1650 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	28	SW NW	3.0

11. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1.3 miles from the existing Well 1 and approximately 1.5 miles from the existing Well 2, to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

12. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	0.4
4 N	27 E	WM	19	SE SE	2.6

13. The portion of the fifth right to be transferred is as follows:

**Certificate:** 81895 in the name of JEDEDIAH AYLETT (perfected under Permit U-725)  
**Use:** IRRIGATION of 3.0 ACRES  
**Priority Date:** MAY 2, 1955  
**Rate:** 0.037 CUBIC FOOT 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, is 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** CHAPMAN WELL 2 in the COLUMBIA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	28	NW SW	WELL 2: 24.5 CHAINS NORTH AND 19.5 CHAINS EAST FROM THE SW CORNER OF SECTION 28

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	28	NW SW	3.0

14. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1.5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

15. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.0

16. The portion of the sixth right to be transferred is as follows:

**Certificate:** 53373 in the name of JAMES A. WOOD AND ALBERT STARR (perfected under Permit G-2953)

**Use:** IRRIGATION of 3.9 ACRES

**Priority Date:** JUNE 19, 1958

**Rate:** 0.05 CUBIC FOOT 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 and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** A WELL within the BUTTER CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	30	NW SE	SE WELL: 3830 FEET SOUTH AND 4160 FEET EAST FROM THE NW CORNER OF SECTION 30

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	30	SW NE	0.3
4 N	27 E	WM	30	SE NE	0.2
4 N	27 E	WM	30	NE SW	0.3
4 N	27 E	WM	30	SE SW	0.3
4 N	27 E	WM	30	NE SE	0.8
4 N	27 E	WM	30	NW SE	0.5
4 N	27 E	WM	30	SW SE	0.6
4 N	27 E	WM	30	SE SE	0.9
Total					3.9

17. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

18. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	3.9

19. The portion of the seventh right to be transferred is as follows:

**Certificate:** 44539 in the name of JAMES A WOOD & ALBERT STARR (perfected under Permit G-2952)

**Use:** IRRIGATION of 7.6 ACRES

**Priority Date:** JUNE 19, 1958

**Rate:** 0.10 CUBIC FOOT PER SECOND, BEING 0.05 CFS FROM EACH WELL

**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 a diversion of 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:** TWO WELLS within the BUTTER CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	27 E	WM	30	NW NE		NE WELL: 1190 FEET SOUTH AND 4170 FEET EAST FROM THE NW CORNER OF SECTION 30
4 N	27 E	WM	30	SW NW	2	NW WELL: 1280 FEET SOUTH AND 1350 FEET EAST FROM THE NW CORNER OF SECTION 30

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Well
4 N	27 E	WM	19	SW SW	4	0.4	NW
4 N	27 E	WM	19	SE SW		0.3	NW
4 N	27 E	WM	19	SW SE		0.4	NE
4 N	27 E	WM	19	SE SE		0.3	NE
4 N	27 E	WM	30	NE NE		0.7	NE
4 N	27 E	WM	30	NW NE		0.4	NE
4 N	27 E	WM	30	SW NE		0.7	NE
4 N	27 E	WM	30	SE NE		0.8	NE
4 N	27 E	WM	30	NE NW		0.3	NE
4 N	27 E	WM	30	NE NW		0.7	NW
4 N	27 E	WM	30	NW NW	1	0.7	NW
4 N	27 E	WM	30	SW NW	2	0.9	NW
4 N	27 E	WM	30	SE NW		0.2	NE
4 N	27 E	WM	30	SE NW		0.8	NW
Total						7.6	

20. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 0.46 mile from the existing NE Well and approximately 0.89 mile from the existing NW Well, to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

21. Transfer Application T-11514 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SE SE	5.1
4 N	27 E	WM	30	NE NE	2.5

22. The portion of the eighth right to be transferred is as follows:

**Certificate:** 84119 in the name of COUNTY LINE WATER IMPROVEMENT DISTRICT (perfected under Permit G-10836)

**Use:** SUPPLEMENTAL IRRIGATION of 17.5 ACRES

**Priority Date:** FEBRUARY 15, 1978

**Rate:** 0.21 CUBIC FOOT 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of March 10 to October 15 for each calendar year. This right does not alter the Ordinance Critical Ground Water Area Order.

**Source:** ARTIFICIALLY RECHARGED GROUND WATER FROM 5 WELLS in the ORDINANCE CRITICAL GROUND WATER AREA



**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
4 N	27 E	WM	28	SE NW		WELL 1: 3700 FEET NORTH AND 1390 FEET EAST FROM THE SW CORNER OF SECTION 28
4 N	27 E	WM	28	NW SW		WELL 2: 1650 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 28
4 N	27 E	WM	30	NW NE		NE WELL: 1190 FEET SOUTH AND 4170 FEET EAST FROM THE NW CORNER OF SECTION 30
4 N	27 E	WM	30	SW NW	2	NW WELL: 1280 FEET SOUTH AND 1350 FEET EAST FROM THE NW CORNER OF SECTION 30
4 N	27 E	WM	30	NW SE		SE WELL: 3830 FEET SOUTH AND 4160 FEET EAST FROM THE NW CORNER OF SECTION 30

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	27 E	WM	19	SW SW	4	0.4
4 N	27 E	WM	19	SE SW		0.3
4 N	27 E	WM	19	SW SE		0.4
4 N	27 E	WM	19	SE SE		0.3
4 N	27 E	WM	28	SW NW		3.0
4 N	27 E	WM	28	NW SW		3.0
4 N	27 E	WM	30	NE NE		0.7
4 N	27 E	WM	30	NW NE		0.4
4 N	27 E	WM	30	SW NE		1.0
4 N	27 E	WM	30	SE NE		1.0
4 N	27 E	WM	30	NE NW		1.0
4 N	27 E	WM	30	NW NW	1	0.7
4 N	27 E	WM	30	SW NW	2	0.9
4 N	27 E	WM	30	SE NW		1.0
4 N	27 E	WM	30	NE SW		0.3
4 N	27 E	WM	30	SE SW		0.3
4 N	27 E	WM	30	NE SE		0.8
4 N	27 E	WM	30	NW SE		0.5
4 N	27 E	WM	30	SW SE		0.6
4 N	27 E	WM	30	SE SE		0.9
Total						17.5

23. Transfer Application T-11514 proposes to move the authorized point of appropriation approximately 1.36 miles from the existing Well 1, approximately 1.5 miles from the existing Well 2, approximately 0.46 from the existing NE Well, approximately 1.04 miles from the NW Well and approximately 0.86 mile from the SE Well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	19	SE SE	WELL #B: 790 FEET NORTH AND 55 FEET WEST FROM THE SE CORNER OF SECTION 19

24. Transfer Application T-11514 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	27 E	WM	19	SW SE	0.5
4 N	27 E	WM	19	SE SE	14.5
4 N	27 E	WM	30	NE NE	2.5
Total					17.5

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

- 25. 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.
- 26. 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-11514.
- 27. The proposed changes would not result in enlargement of the rights
- 28. The proposed changes would not result in injury to other water rights.
- 29. All other application requirements are met.

**Determination and Proposed Action**

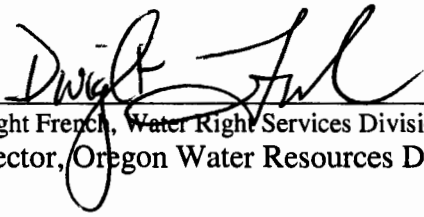
The changes in points of appropriation and changes in place of use proposed in Transfer Application T-11514 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-11514 is approved, the final order will include the following:*

- 1. *The changes in points of appropriation and changes in place of use proposed in Transfer Application T-11514 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 87298, 87299, 87300, 60552, 81895, 53373, 44539, 84119 and any related decree.*
- 3. *Water right certificates 87298, 87299, 87300, 60552, 81895, 53373, 44539, and 84119 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 5. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*

6. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
7. *The former places of use of the transferred rights shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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, certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 10 day of September, 2014.



Dwight French, Water Right Services Division Administrator, for  
Director, Oregon Water Resources Department

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@ wrd.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.*