



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 27, 2017

SAGE HOLLOW RANCH LLC  
3620 INDEPENDENCE RD  
SUNNYSIDE WA 98944

**SUBJECT: Water Right Transfer Application T-12248**

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12248. 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 Hermiston Herald 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 503-986-0886 or [Patrick.K.Starnes@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov) if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application T-12248  
Greg Silbernagel, Watermaster 5 District (*via e-mail*)  
William I. Porfily, Agent for the applicant (*via e-mail*)  
Willow Creek Dairy, Receiving Landowner (*via e-mail*)  
Dale G. VanSchoiack, CWRE #333 (*via e-mail*)  
David E. Filippi, Stoel Rives LLP, Representing Commenters

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

In the Matter of Transfer Application            )  
T-12248, Morrow County                    )    **PRELIMINARY DETERMINATION**  
  )    **PROPOSING APPROVAL OF AN**  
  )    **ADDITIONAL POINT OF**  
  )    **APPROPRIATION, A CHANGE IN**  
  )    **POINTS OF APPROPRIATION, A**  
  )    **CHANGE IN PLACE OF USE, A**  
  )    **CHANGE IN CHARACTER OF USE,**  
  )    **AND A PARTIAL CANCELLATION OF**  
  )    **A WATER RIGHT.**

**Authority**

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

SAGE HOLLOW RANCH LLC  
3620 INDEPENDENCE RD  
SUNNYSIDE, WA 98944

**Receiving Landowner**

WILLOW CREEK DAIRY (TE VELDE)  
P.O. BOX 1210  
BOARDMAN, OR 97818

**Findings of Fact**

1. On January 15, 2016, Sage Hollow Ranch LLC filed an application to change the points of appropriation, change the place of use, and change the character of use under Certificates 49726, 49727, 55317, and 55316. The Department assigned the application number T-12248.
2. Willow Creek Dairy (Te Velde) is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on January 26, 2016, and again on September 6, 2016, pursuant to OAR 690-380-4000. Timely comments were filed in response to the notice.
4. On February 22, 2016, the applicant’s agent clarified that the proposed change in character of use was intended to be for year round agricultural use for construction and operation of a diary.

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.

5. On February 25, 2016, the Department received timely comments concerning potential injury to nearby water rights from David E. Filippi, Stoel Rives LLP on behalf of Pete and Tressa Meenderinck and Meenderinck Land Co. LLC. The Meenderinck's are very concerned that the use of groundwater for the proposed dairy will result in injury to the Meenderinck's existing water rights.
6. The Department will condition the Transfer to address any injury and enlargement issues.
7. On March 16, 2016, the application was amended to indicate the correct locations of the two proposed points of appropriation.
8. On August 2, 2016, the application was amended again requesting an additional well be added to the application.
9. On November 28, 2016, a draft preliminary determination was issued. Following the issuance of the draft, it was determined that the draft required amending.
10. On December 21, 2016, a revised draft preliminary determination was issued. Following the issuance of the revised draft, the Department determined that the draft did not describe a proposed partial cancellation, nor did it include additional condition(s) to prevent enlargement of the rights; and the previously revised draft did not correctly describe the irrigation season authorized by the Ordinance Critical Groundwater area.
11. On February 24, 2017, a revised draft preliminary determination was issued. The applicant requested that the Department proceed with issuance of a Preliminary Determination
12. The first right to be transferred is as follows:

**Certificate:** 49726 in the name of GEORGE S BULOW (perfected under Permit G-1319)  
**Use:** IRRIGATION OF 207.3 ACRES  
**Priority Date:** MARCH 2, 1959  
**Rate:** 1.12 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.  
**Source:** A WELL within the COLUMBIA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	4	NW SE	1390 FEET NORTH AND 2390 FEET WEST FROM THE SE CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	SW NW	1.3
3 N	26 E	WM	4	SE NW	1.7
3 N	26 E	WM	4	NE SW	36.0
3 N	26 E	WM	4	NW SW	35.4
3 N	26 E	WM	4	SW SW	30.4
3 N	26 E	WM	4	SE SW	35.0
3 N	26 E	WM	4	NE SE	0.2
3 N	26 E	WM	4	NW SE	2.9
3 N	26 E	WM	4	SW SE	33.6
3 N	26 E	WM	4	SE SE	30.8
Total					207.3

13. Transfer Application T-12248 proposes to move the authorized point of appropriation approximately 2.0 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SE NE	WELL 1 (NORTH WELL) - 2390 FEET SOUTH AND 360 FEET WEST FROM THE NE CORNER OF SECTION 16
3 N	26 E	WM	22	NW NW	WELL 2 (SOUTH WELL) - 290 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF SECTION 22

14. Transfer Application T-12248 proposes an additional point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SW SW	WELL 3 - 130 FEET NORTH AND 950 FEET EAST FROM THE SW CORNER OF SECTION 16

15. Transfer Application T-12248 proposes to change the character of use to year round agricultural use for construction and operation of a dairy.

16. Transfer Application T-12248 also proposes to change the place of use of the right to:

YEAR ROUND AGRICULTURAL USE FOR CONSTRUCTION AND OPERATION OF A DAIRY				
Twp	Rng	Mer	Sec	Q-Q
3 N	26 E	WM	15	SW NW
3 N	26 E	WM	15	NW SW
3 N	26 E	WM	15	SW SW
3 N	26 E	WM	16	SW NE
3 N	26 E	WM	16	SE NE
3 N	26 E	WM	16	SW NW
3 N	26 E	WM	16	SE NW
3 N	26 E	WM	16	NE SW
3 N	26 E	WM	16	NW SW
3 N	26 E	WM	16	SE SW
3 N	26 E	WM	16	NE SE
3 N	26 E	WM	16	NW SE
3 N	26 E	WM	16	SW SE
3 N	26 E	WM	16	SE SE

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

**Certificate:** 55317 in the name of GEORGE AND JERRY BULOW (perfected under Permit G-1319)  
**Use:** IRRIGATION OF 12.2 ACRES  
**Priority Date:** MARCH 2, 1959  
**Rate:** 0.07 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-eighth 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.  
**Source:** WELL #1 within the COLUMBIA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	4	NW SE	1390 FEET NORTH AND 2390 FEET WEST FROM THE SE CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	NE SE	7.9
3 N	26 E	WM	4	SW SE	1.0
3 N	26 E	WM	4	SE SE	3.3
Total					12.2

18. Transfer Application T-12248 proposes to move the authorized point of appropriation approximately 2 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SE NE	WELL 1 (NORTH WELL) - 2390 FEET SOUTH AND 360 FEET WEST FROM THE NE CORNER OF SECTION 16
3 N	26 E	WM	22	NW NW	WELL 2 (SOUTH WELL) - 290 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF SECTION 22

19. Transfer Application T-12248 proposes an additional point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SW SW	WELL 3 - 130 FEET NORTH AND 950 FEET EAST FROM THE SW CORNER OF SECTION 16

20. Transfer Application T-12248 proposes to change the character of use to year round agricultural use for construction and operation of a dairy.

21. Transfer Application T-12248 also proposes to change the place of use of the right to:

YEAR ROUND AGRICULTURAL USE FOR CONSTRUCTION AND OPERATION OF A DAIRY				
Twp	Rng	Mer	Sec	Q-Q
3 N	26 E	WM	15	SW NW
3 N	26 E	WM	15	NW SW
3 N	26 E	WM	15	SW SW
3 N	26 E	WM	16	SW NE
3 N	26 E	WM	16	SE NE
3 N	26 E	WM	16	SW NW
3 N	26 E	WM	16	SE NW
3 N	26 E	WM	16	NE SW
3 N	26 E	WM	16	NW SW
3 N	26 E	WM	16	SE SW
3 N	26 E	WM	16	NE SE
3 N	26 E	WM	16	NW SE
3 N	26 E	WM	16	SW SE
3 N	26 E	WM	16	SE SE

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

**Certificate:** 49727 in the name of GEORGE S BULOW (perfected under Permit G-1284)

**Use:** IRRIGATION OF 198.3 ACRES

**Priority Date:** MARCH 6, 1959

**Rate:** 0.84 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; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	4	NE NE	840 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	NE NE	0.3
3 N	26 E	WM	4	NW NE	4.4
3 N	26 E	WM	4	SW NE	30.3
3 N	26 E	WM	4	SE NE	26.0
3 N	26 E	WM	4	NE NW	37.2
3 N	26 E	WM	4	NW NW	33.6
3 N	26 E	WM	4	SW NW	30.8
3 N	26 E	WM	4	SE NW	34.4
3 N	26 E	WM	4	NE SE	0.9
3 N	26 E	WM	4	NW SE	0.4
Total					198.3

23. Transfer Application T-12248 proposes to move the authorized point of appropriation approximately 2.5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SE NE	WELL 1 (NORTH WELL) - 2390 FEET SOUTH AND 360 FEET WEST FROM THE NE CORNER OF SECTION 16
3 N	26 E	WM	22	NW NW	WELL 2 (SOUTH WELL) - 290 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF SECTION 22

24. Transfer Application T-12248 proposes an additional point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SW SW	WELL 3 - 130 FEET NORTH AND 950 FEET EAST FROM THE SW CORNER OF SECTION 16

25. Transfer Application T-12248 proposes to change the character of use to year round agricultural use for construction and operation of a dairy.

26. Transfer Application T-12248 also proposes to change the place of use of the right to:

YEAR ROUND AGRICULTURAL USE FOR CONSTRUCTION AND OPERATION OF A DAIRY				
Twp	Rng	Mer	Sec	Q-Q
3 N	26 E	WM	15	SW NW
3 N	26 E	WM	15	NW SW
3 N	26 E	WM	15	SW SW
3 N	26 E	WM	16	SW NE
3 N	26 E	WM	16	SE NE
3 N	26 E	WM	16	SW NW
3 N	26 E	WM	16	SE NW
3 N	26 E	WM	16	NE SW
3 N	26 E	WM	16	NW SW
3 N	26 E	WM	16	SE SW
3 N	26 E	WM	16	NE SE
3 N	26 E	WM	16	NW SE
3 N	26 E	WM	16	SW SE
3 N	26 E	WM	16	SE SE

27. The fourth right to be transferred is as follows:

**Certificate:** 55316 in the name of GEORGE AND JERRY BULOW (perfected under Permit G-1284)

**Use:** IRRIGATION OF 85.2 ACRES

**Priority Date:** MARCH 6, 1959

**Rate:** 0.35 CUBIC FOOT PER SECOND (CFS); BEING 0.19 CFS FROM WELL 1 AND 0.16 CFS FROM WELL 2

**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.

**Sources:** WELLS 1 and 2 within the COLUMBIA RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	4	NE NE	WELL 2 (NORTH WELL) - 840 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 4
3 N	26 E	WM	4	NW SE	WELL 1 (SOUTH WELL) - 1390 FEET NORTH AND 2390 FEET WEST FROM THE SE CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION WELL 1					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	NE SE	23.0
3 N	26 E	WM	4	NW SE	23.1

IRRIGATION WELL 2					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	NE NE	18.4
3 N	26 E	WM	4	NW NE	13.4
3 N	26 E	WM	4	SE NE	7.3

28. Transfer Application T-12248 proposes to move the authorized points of appropriation approximately 2.5 miles from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SE NE	WELL 1 (NORTH WELL) - 2390 FEET SOUTH AND 360 FEET WEST FROM THE NE CORNER OF SECTION 16
3 N	26 E	WM	22	NW NW	WELL 2 (SOUTH WELL) - 290 FEET SOUTH AND 10 FEET EAST FROM THE NW CORNER OF SECTION 22

29. Transfer Application T-12248 proposes an additional point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	16	SW SW	WELL 3 - 130 FEET NORTH AND 950 FEET EAST FROM THE SW CORNER OF SECTION 16



- 30. Transfer Application T-12248 proposes to change the character of use to year round agricultural use for construction and operation of a dairy.
- 31. Transfer Application T-12248 also proposes to change the place of use of the right to:

YEAR ROUND AGRICULTURAL USE FOR CONSTRUCTION AND OPERATION OF A DAIRY				
Twp	Rng	Mer	Sec	Q-Q
3 N	26 E	WM	15	SW NW
3 N	26 E	WM	15	NW SW
3 N	26 E	WM	15	SW SW
3 N	26 E	WM	16	SW NE
3 N	26 E	WM	16	SE NE
3 N	26 E	WM	16	SW NW
3 N	26 E	WM	16	SE NW
3 N	26 E	WM	16	NE SW
3 N	26 E	WM	16	NW SW
3 N	26 E	WM	16	SE SW
3 N	26 E	WM	16	NE SE
3 N	26 E	WM	16	NW SE
3 N	26 E	WM	16	SW SE
3 N	26 E	WM	16	SE SE

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

- 32. 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.
- 33. 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-12248.
- 34. Transfer Application T-12248 proposes to change the type of use from irrigation during the irrigation season to year-around agricultural use for the construction and operation of a dairy. The proposed change in character of use could result in enlargement if not conditioned to prevent use of more water than could have been lawfully diverted under the existing authorized use.
- 35. The irrigation season of the Ordnance Critical Groundwater area (CGWA) as defined in Special Order Volume 27, page 68, is March 10 through October 15 of each year (220 days).
- 36. The Department can consider the change in season of use for Transfer Application T-12248, because the aquifer acts as storage and if the annual water use is the same, the changing of the season of use from irrigation use to year-around will not change the overall balance in the aquifer.

37. The following table lists the annual water use (volume) of each water right (based upon the Ordinance CGWA irrigation season) and the pro-rated rate for the proposed year round use.

Certificate	Authorized Rate	Pro-rated Rate for year round use (220 days / 365 days) x auth. rate	Total volume allowed based upon Ordinance CGWA irrigation season (Auth. Rate x 1.98 af/day x 220 days)
49726	1.12 cfs	0.675 cfs	487.87 af
49727	0.84 cfs	0.506 cfs	365.90 af
55316	0.35 cfs	0.211 cfs	152.46 af
55317	0.07 cfs	0.042 cfs	30.49 af
Total	2.38 cfs	1.434 cfs	1036.72 af

38. The proposed changes, as conditioned, would not result in injury to other water rights.

39. The proposed changes, as conditioned, would not result in enlargement.

40. All other application requirements are met.

***Partial Cancellation of a Water Right***

41. On December 8, 2016, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Brian Bosma, owner of Sage Hollow Ranch. The right to be cancelled is as follows:

**Certificate:** 49727 in the name of GEORGE S BULOW (perfected under Permit G-1284)

**Use:** SUPPLEMENTAL IRRIGATION OF 4.5 ACRES

**Priority Date:** MARCH 6, 1959

**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 the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL in the COLUMBIA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	26 E	WM	4	NE NE	840 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 4.

**Authorized Place of Use to be Cancelled:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 N	26 E	WM	4	SW NW	1.2
3 N	26 E	WM	4	SE NW	1.6
3 N	26 E	WM	4	NE SW	1.4
3 N	26 E	WM	4	NW SW	0.2
3 N	26 E	WM	4	NW SE	0.1
Total					4.5

**Determination and Proposed Action**

The additional point of appropriation, change in points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12248 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the portion of the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the portion of the abandoned right will be cancelled.


*If Transfer Application T-12248 is approved, the final order will include the following:*

- 1. The additional point of appropriation, change in points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-12248 are approved. The portion of the right that has been abandoned is cancelled.*
- 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 49726, 49727, 55317, and 55316 and any related decree.*
- 3. All other terms and conditions of the order approving Ordinance Critical Ground Water Area remain in effect.*
- 4. Water Right Certificates 49726, 49727, 55317, and 55316 are cancelled.*
- 5. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 6. The quantity of water allowed for year round agricultural use for construction and operation of a dairy under the right described by Certificate 49726 shall not exceed a rate of diversion of 0.675 cubic foot per second (cfs) and a maximum total quantity of 487.87 acre-feet year round.*
- 7. The quantity of water allowed for year round agricultural use for construction and operation of a dairy under the right described by Certificate 49727 shall not exceed a rate of diversion of 0.506 cubic foot per second (cfs) and a maximum total quantity of 365.90 acre-feet year round.*

8. *The quantity of water allowed for year round agricultural use for construction and operation of a dairy under the right described by Certificate 55316 shall not exceed a rate of diversion of 0.211 cubic foot per second (cfs) and a maximum total quantity of 152.46 acre-feet year round.*
9. *The quantity of water allowed for year round agricultural use for construction and operation of a dairy under the right described by Certificate 55317 shall not exceed a rate of diversion of 0.042 cubic foot per second (cfs) and a maximum total quantity of 30.49 acre-feet year round.*
10. *Water use measurement and reporting 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.*
  - d. *The water user shall maintain a record of all water used under each right for each month of the entire year. The record shall include the total number of hours pumped and the total quantity of water pumped. The record shall be submitted to the Department on an monthly basis.*
11. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
12. *The former place of use of the transferred rights shall no longer receive water under the rights.*
13. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2031**. 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.*

14. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 24<sup>th</sup> day of February, 2017.

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

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

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>