

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

| | | |
|---------------------------------------|---|------------------------------|
| In the Matter of Transfer Application |) | PRELIMINARY DETERMINATION |
| T-13113, Umatilla County |) | PROPOSING APPROVAL OF AN |
| |) | ADDITIONAL POINT OF |
| |) | APPROPRIATION, AND CHANGE IN |
| |) | PLACE OF USE |

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

TODD LONGGOOD
110 SE 3RD ST
PENDLETON, OR 97801

Findings of Fact

1. On March 6, 2019, TODD LONGGOOD filed an application for an additional point of appropriation, to change the point of appropriation, and to change the place of use under Certificates 26074 and 83134. The Department assigned the application number T-13113.
2. Notice of the application for transfer was published on March 19, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 18, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Department needed clarification whether a request was being made for a change in point of appropriation.
4. On April 19, 2019, the applicant's agent submitted a revised Table 2, resolving the deficiency.

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. Water use from wells in Critical Groundwater Areas is subject to allocation under OAR Chapter 690, Division 507. Certificates 26074 and 83134 are located within the Stage Gulch Critical Ground Water Area, and therefore are subject to allocation.
6. On May 15, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13113 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 14, 2019, 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.
7. On May 29, 2019, the applicant requested to extend the completion date for full beneficial use of the water to October 1, 2021.
8. The first right to be transferred is as follows:

Certificate: 26074 in the name of LEONARD LORENZEN (perfected under Permit U-506)

Use: IRRIGATION of 23.6 ACRES

Priority Date: JANUARY 28, 1953

Rate: 0.295 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 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL, a tributary of UMATILLA RIVER

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 4 N | 30 E | WM | 35 | SW SE | LORENZEN WELL - 1860 FEET SOUTH AND 2920 FEET EAST FROM THE W1/4 CORNER OF SECTION 35 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 3 N | 30 E | WM | 2 | NE NW | 0.5 |
| 3 N | 30 E | WM | 2 | NW NW | 7.6 |
| 4 N | 30 E | WM | 35 | SE SW | 15.4 |
| 4 N | 30 E | WM | 35 | SW SE | * 0.1 |
| Total | | | | | 23.6 |

9. Transfer Application T-13113 proposes an additional point of appropriation approximately 556 feet Southwest from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--|
| 4 N | 30 E | WM | 35 | SE SW | NEW WELL - 2030 FEET SOUTH AND 2390 FEET EAST FROM THE W1/4 CORNER OF SECTION 35 |

10. Transfer Application T-13113 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 4 N | 30 E | WM | 35 | NE SW | 1.8 |
| 4 N | 30 E | WM | 35 | SE SW | 21.0 |
| 4 N | 30 E | WM | 35 | SW SE | 0.8 |
| Total | | | | | 23.6 |

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

Certificate: 83134 in the name of LEONARD A. LORENZEN; LORENZEN RANCHES, INC. (perfected under Permit G-10087)

Use: IRRIGATION of 8.5 ACRES

Priority Date: MARCH 28, 1983

Rate: 0.09 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.

Source: A WELL in the UMATILLA BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|---|
| 4 N | 30 E | WM | 35 | SW SE | LORENZEN WELL - 1860 FEET SOUTH AND 2920 FEET EAST FROM THE W1/4 CORNER OF SECTION 35 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 4 N | 30 E | WM | 35 | NE SW | 1.3 |
| 4 N | 30 E | WM | 35 | SE SW | 5.9 |
| 4 N | 30 E | WM | 35 | NW SE | 0.6 |
| 4 N | 30 E | WM | 35 | SW SE | 0.7 |
| Total | | | | | 8.5 |

12. Transfer Application T-13113 proposes an additional point of appropriation approximately 556 feet Southwest from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|-----|------|-----|-----|-------|--|
| 4 N | 30 E | WM | 35 | SE SW | NEW WELL - 2030 FEET SOUTH AND 2390 FEET EAST FROM THE W1/4 CORNER OF SECTION 35 |

13. Transfer Application T-13113 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 4 N | 30 E | WM | 35 | SE SW | 5.5 |
| 4 N | 30 E | WM | 35 | SW SE | 3.0 |
| Total | | | | | 8.5 |

Transfer Review Criteria (OAR 690-380-4010)

14. Water has been used within the last five years according to the terms and conditions of Certificate 26074. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610. Certificate 83134 was not authorized any allotment under the Stage Gulch Critical Ground Water Order for the last several years. Pursuant to ORS 540.610(2)(g), the right is not subject to forfeiture due to an order to discontinue use by the commission.
15. 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-13113.
16. The proposed changes would not result in enlargement of the rights.
17. The proposed changes would not result in injury to other water rights.
18. All other application requirements are met.

Determination and Proposed Action

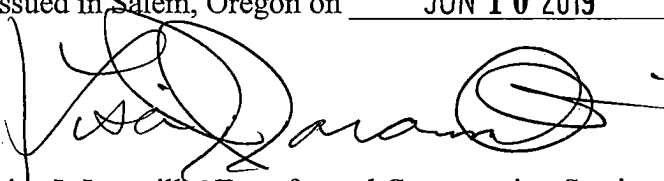
The additional point of appropriation, and change in place of use proposed in Transfer Application T-13113 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13113 is approved, the final order will include the following:

1. *The additional point of appropriation, and change in place of use proposed in Transfer Application T-13113 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 26074, 83134, and any related decree.*
3. *Water right Certificate 26074 is cancelled.*
4. *Water right Certificate 83134 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
5. *The quantity of water diverted at the additional point of appropriation (New Well), together with that diverted at the original point of appropriation (Lorenzen Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Lorenzen Well).*

6. *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 point of appropriation (new and existing).*
 - 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.*
7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
8. *The former place of use of the transferred right shall no longer receive water under the right.*
9. *Water use from wells in Critical Groundwater Areas is subject to allocation under OAR Chapter 690, Division 507. Certificates 26074 and 83134 are located within the Stage Gulch Critical Ground Water Area, and therefore are subject to allocation.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.*
11. *After satisfactory proof of beneficial use is received, a new certificate confirming the rights transferred will be issued.*

Issued in Salem, Oregon on JUN 10 2019 ,



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

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 servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 10, 2019

TODD LONGGOOD
110 SE 3RD ST
PENDLETON, OR 97801

SUBJECT: Water Right Transfer Application T-13113

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13113. 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, 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 Department's notice.

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 corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13113
Gregory M. Silbernagel, District 5 Watermaster (via e-mail)
William Porfily, Agent for the applicant (via e-mail)
Echo Irrigation District

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