

Priority Date: JULY 26, 1965
Rate: 0.03 CUBIC FOOT PER SECOND
Source: A WELL, A TRIBUTARY OF COLUMBIA RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	24 E	WM	13	NW NW	BOARDMAN RA WELL 1 WB - 980 FEET SOUTH AND 270 FEET EAST FROM THE NW CORNER OF SECTION 13

Authorized Place of Use:

PUBLIC PARK				
Twp	Rng	Mer	Sec	Q-Q
4 N	24 E	WM	13	NW NW
4 N	24 E	WM	13	SW NW

5. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 42326 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	24 E	WM	13	NW NW	BOARDMAN RA WELL 1 WB - 1750 FEET NORTH AND 235 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

6. Transfer Application T-13175 proposes an additional point of appropriation approximately 700 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	24 E	WM	13	SW NW	BOARDMAN RA WELL 2 EB - 1050 FEET NORTH AND 175 FEET EAST FROM THE WEST ¼ CORNER OF SECTION 13

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-13175.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

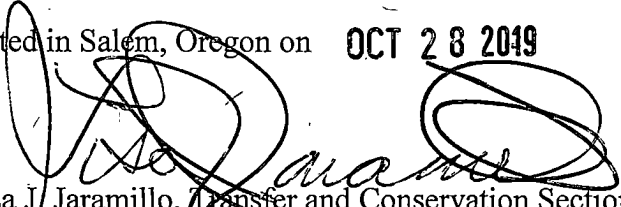
Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-13175 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 Transfer Application T-13175 is approved, the final order will include the following:

- 1. The additional point of appropriation proposed in Transfer Application T-13175 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 Certificate 42326 and any related decree.*
- 3. Water right Certificate 42326 is cancelled.*
- 4. The quantity of water diverted at the new additional point of appropriation (Boardman RA Well 2 EB), together with that diverted at the original point of appropriation (Boardman RA Well 1 WB), shall not exceed the quantity of water lawfully available at the original point of appropriation (Boardman RA Well 1 WB).*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **OCT 28 2019**


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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at 503-986-0890 or scott.a.grew@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

October ~~27~~ 28, 2019

Applicant

OREGON DEPARTMENT OF TRANSPORTATION
ATTN: KATIE HUBLER
200 HAWTHORNE AVE SE, SUITE B240
SALEM, OR 97301

SUBJECT: Water Right Transfer Application T-13175

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13175. 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 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 if I may be of assistance.

Please contact me at scott.a.grew@oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: T-13175
Gregory M. Silbernagel, District 5 Watermaster (*via e-mail*)
Kimberly Grigsby, GSI Water Solutions, Agent for the applicant (*via e-mail*)

encs