

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13850, Morrow County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT OF APPROPRIATION

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.

Applicants

US ARMY CORPS OF ENGINEERS
PORTLAND DISTRICT
PO BOX 2946
PORTLAND, OR 97208

BONNEVILLE POWER ADMINISTRATION
AND ARMY CORPS OF ENGINEERS
WALLA WALLA DISTRICT
BUILDING 206 CITY COUNCIL AIRPORT
WALLA WALLA, WA 99362

Findings of Fact

1. On October 15, 2021, US ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT AND BONNEVILLE POWER ADMINISTRATION AND ARMY CORPS OF ENGINEERS, WALLA WALLA DISTRICT filed an application to change a point of appropriation under Certificate 72182. The Department assigned the application number T-13850.
2. Notice of the application for transfer was published on November 23, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 4, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13850 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 3, 2023, for the applicants to respond. The applicants 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.

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

Certificate: 72182 in the name of BONNEVILLE POWER ADMINISTRATION AND ARMY CORPS OF ENGINEERS, WALLA WALLA DISTRICT (perfected under Permit G-11210)
Use: FISH CULTURE
Priority Date: AUGUST 20, 1990
Rate: 9.11 CUBIC FEET PER SECOND
Source: FOUR WELLS in the COLUMBIA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	26 E	WM	15	SW NW	WELL 1 - 100 FEET NORTH AND 117 FEET EAST FROM THE W1/4 CORNER OF SECTION 15
5 N	26 E	WM	15	NW SW	WELL 2 - 600 FEET SOUTH AND ON SECTION LINE FROM THE W1/4 CORNER OF SECTION 15
5 N	26 E	WM	15	NW SW	WELL 3 - 1195 FEET SOUTH AND ON SECTION LINE FROM THE W1/4 CORNER OF SECTION 15
5 N	26 E	WM	16	SE SE	WELL 4 - 1785 FEET SOUTH AND 10 FEET WEST FROM THE W1/4 CORNER OF SECTION 15

Authorized Place of Use:

FISH CULTURE				
Twp	Rng	Mer	Sec	Q-Q
5 N	26 E	WM	15	NE SW

5. Transfer Application T-13850 proposes to move the authorized point of appropriation of Well 4 to proposed point of appropriation Well 5 with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Well in Feet (ft.)
5 N	26 E	WM	16	SE SE	WELL 5 – 1885 FEET SOUTH AND 10 FEET WEST FROM THE W1/4 CORNER OF SECTION 15	WELL 1 - 2000 ft. WELL 2 - 1300 ft. WELL 3 - 650 ft. WELL 4- 100 ft.

Transfer Review Criteria (OAR 690-380-4010)

6. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13850.
8. The proposed change would not result in enlargement of the right.

9. The proposed change would not result in injury to other water rights.
10. All other application requirements are met.

Determination and Proposed Action

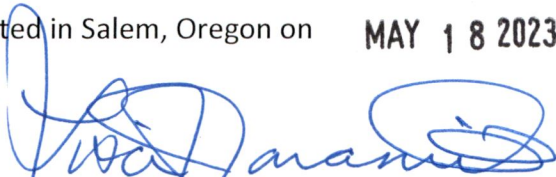
The change in point of appropriation proposed in Transfer Application T-13850 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13850 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-13850 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 72182 and any related decree.*
3. *Water right Certificate 72182 is cancelled.*
4. *The quantity of water diverted at the new point of appropriation (Well 5) shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 4).*
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 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 points of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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.*

8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 18 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING 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 scott.a.grew@water.oregon.gov or 503-986-0890.

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.