

T-10381

T-10381

Name A. J. Wentland

By _____

Address 52864 Stateline Road
Milton-Freewater OR 97862(509)? 503 386-4482Change in POD/SW to GW

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 6-12-08 Vol. 75, page 66

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

CF 84242
RR 84241

DESCRIPTION OF WATER RIGHT

Name of stream W P R Walla Walla RiverTrib. of W P Walla Walla County of UmatillaUse IR, LV, DB

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 12/31/1890In name of Mrs Etta Metsker
W P Walla Walla River Decree (West Prong)
Adjudication, Vol. _____, page 42App. No. _____ Per. No. _____ Cert. No. 1771

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5/4/07</u>	<u>350.00</u>	<u>87481</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

DBID / CWARE John Warinner #358Umatilla County 216 SE Fourth Pendleton, OR 97801

REC'D JUN 28 2007



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

June 19, 2008

AJ WENTLAND
52864 STATELINE ROAD
MILTON-FREEWATER OR 97862

Reference: Transfer 10381

Enclosed is a copy of the order approving your water right transfer application.

Also enclosed is the certificate issued to confirm a historic change approved by the order herein. Please read this document carefully and abide by the requirements.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #5
John Warinner, CWRE

Enclosure

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-10381, Umatilla County)	CHANGE IN POINT OF DIVERSION
)	TO A HYDRAULICALLY
)	CONNECTED WELL TO REFLECT
)	HISTORICAL USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

A. J. Wentland
52864 Stateline Road
Milton-Freewater, OR 97862

Findings of Fact

Background

1. On May 4, 2007, Mr. A.J. Wentland filed an application for a change the point of diversion to a shallow, hydraulically connected well to reflect historical use under Certificate 1771. The Department assigned the application number T-10381.
2. The portion of the right to be transferred is as follows:
Certificate: 1771, in the name of Mrs. Etta Metsker
Use: Stock, Domestic and Irrigation of 19.0 acres
Priority Date: 1890
Rate: 0.49 cubic foot per second
Source: West Prong of the Little Walla Walla River, tributary to the Walla Walla River

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Point of Diversion: The Walla Walla River Decree, the associated adjudication map, and the tabulation describing the right recognize and identify a ditch and dam located at:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
6 N	35 E	WM	15	SW SE	Metsker Lateral (Ditch)

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	15	SE NW	17.7
6 N	35 E	WM	15	NE SW	1.3

- Application T-10381 proposes to change the point of diversion approximately 2,350 feet downstream from the authorized point of diversion to a shallow hydraulically connected well located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	15	NE SW	50 feet South and 500 feet West from the Center of Section 15

- Notice of the application for transfer was published on May 22, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- Pursuant to 690-380-2120(3), the Department determined that water right certificates 1779, 1783, 1784, 1776, and 1780 are affected water rights. A list of the affected water rights was provided to the applicant.
- On May 2, 2008, the applicant provided proof of service of delivery of notice to each of the holders of affected water rights. No comments were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

- Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. Water has been taken from a hydraulically connected well for at least 10 years and also was used from the Metsker Ditch during the last five years. The condition of the diversion facilities at the authorized point of diversion suggests that the facility may not have been regularly used. However, the information in the record is not sufficient to initiate cancellation proceedings under ORS 540.631.
- The application was filed under ORS 540.531, which allows the transfer of a surface water point of diversion to groundwater (a hydraulically connected shallow well), provided certain criteria are met. The application was accompanied by a groundwater hydrologist's report asserting the well is constructed in an unconfined aquifer that is hydraulically connected to the West Prong of the Little Walla Walla River and that use of the well will affect the surface water source "similarly" to use of the surface water point of diversion. The report was needed because the location of the well exceeded the statutory requirements of being

within 500 feet of the surface water source and within 1,000 feet upstream or downstream of the authorized POD.

9. Department staff hydrogeologists concluded that the proposed well meets all the requirements of ORS 540.531, and estimated that pumping of the well will cause a greater than 50 percent stream depletion in less than 10 days, in accordance with OAR 690-380-2130(2)(c) and (11)(b).
10. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding #3, has been in use for more than 10 years.
11. Pursuant to OAR 690-380-2120(2)(c) the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

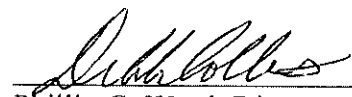
The change in point of diversion from a surface water point of diversion to a ground water point of appropriation to reflect use of a historical point of appropriation proposed in application T-10381 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion to reflect historical use proposed in application T-10381 is approved and shall be effective immediately upon issuance of this order.
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 1771 and any related decree.
3. Water right certificate 1771 is cancelled.
4. The quantity of water diverted at the new point of diversion (shallow well) shall not exceed the quantity of water lawfully available at the original point of diversion.
5. The well from which water is taken under the right shall be constructed and maintained so that the effect on the surface water source of the use of water from the well will be similar to the use of the original authorized point of diversion.
6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.

7. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the pump, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.
8. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.
9. When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
10. A new certificate will be issued to confirm the change for the portion of the right included in T-10381. A new certificate will be issued to describe that portion of the right not modified by this order. Together, the new certificates shall supersede Certificate 1771.

Dated at Salem, Oregon this 12th day of June 2008.


Phillip C. Ward, Director

Mailing Date JUN 20 2008

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MRS. ETTA METSKER
WALLA WALLA, WA 99362

confirms the right to use the waters of the WEST PRONG OF THE LITTLE WALLA WALLA RIVER, tributary to the WALLA WALLA RIVER for DOMESTIC, LIVESTOCK, AND IRRIGATION OF 20.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 323. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.51 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
6 N	35 E	WM	15	SW SE	Metsker Lateral

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

DOMESTIC				
Twp	Rng	Mer	Sec	Q - Q
6 N	35 E	WM	15	SE NW
6 N	35 E	WM	15	NE SW

LIVESTOCK				
Twp	Rng	Mer	Sec	Q - Q
6 N	35 E	WM	15	SE NW
6 N	35 E	WM	15	NE SW

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
6 N	35 E	WM	15	SE NW	1.3
6 N	35 E	WM	15	NE SW	18.7

This certificate describes that portion of the water right confirmed by Certificate 1771, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 12, 2008 approving Transfer Application T-10381.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed June 12, 2008


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A.J. WENTLAND
 52864 STATELINE ROAD
 MILTON-FREEWATER, OREGON 97862

confirms the right to use the waters of the WEST PRONG OF THE LITTLE WALLA WALLA RIVER, tributary to the WALLA WALLA RIVER for DOMESTIC, LIVESTOCK, and IRRIGATION 19.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 323. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.49 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION LOCATED WITHIN SW¼ SE¼, SECTION 15, T 6 N, R 35 E, W.M. (METSKER LATERAL), or its equivalent in case of rotation.

The authorized point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
6 N	35 E	WM	15	NE SW	50 feet South and 500 feet West from the Center of Section 15

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

DOMESTIC				
Twp	Rng	Mer	Sec	Q - Q
6 N	35 E	WM	15	SE NW
6 N	35 E	WM	15	NE SW

LIVESTOCK				
Twp	Rng	Mer	Sec	Q - Q
6 N	35 E	WM	15	SE NW
6 N	35 E	WM	15	NE SW

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
6 N	35 E	WM	15	SE NW	17.7
6 N	35 E	WM	15	NE SW	1.3

This certificate is issued to confirm an HISTORIC CHANGE IN POINT OF DIVERSION approved by an order of the Water Resources Director entered June 12, 2008, approving Transfer Application T-10381, and together with Certificate 84242, supersedes Certificate 1771, State Record of Water Right Certificates.

The quantity of water diverted at the new point of diversion (shallow well) shall not exceed the quantity of water lawfully available at the original point of diversion.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The well from which water is taken under the right shall be constructed and maintained so that the effect on the surface water source of the use of water from the well will be similar to the use of the original authorized point of diversion.

The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.

If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the pump, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.

The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.

When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed June 12, 2008.



Phillip C. Ward, Director

Water Right Transfer Checklist

Transfer T-10381

Transfer Specialist: kdd/dmp

Transfer Type: Historic SW-GW

Applicant Name/Address: AJ Wentland, 52864 Stateline Rd, Milton-Freewater, OR 97862

Agent Name/Address: None

CWRE Name/Number: John Warinner #358

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Govt's Name/Address: Umatilla County, 216 SE Fourth, Pendleton, OR 97801

Commentors Name/Address: None

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
X	X			1771	X Yes <input type="checkbox"/> No	rr-84241 cf-84242

Key Dates & Initial Actions

Rec'd: 5/4/2007	Proposed Action(s): HST	
Fees Pd: \$350.00	WM District: 5	ODFW District: N/A
Initial Notice: 5/22/2007	WM Review sent: 5/22/2007	ODFW Review sent: N/A
Acknowledgement Letter Sent: X		GW Review sent: 5/22/2007

Processing Dates & Actions

Deficiency Contacts: None	Newspaper Pub Affid. Due: X not required
DPD Mailed: <input type="checkbox"/> ODFW contact sheet sent with DPD, or <input type="checkbox"/> N/A	Affid of Pub Rec'd: Last Day Published:
PD Mailed: N/A	Affidavit Reminder Sent:
PD Weekly Notice: N/A	Reminder Deadline:

Preliminary Determination

- ☐ Electronic Files uploaded
- ☐ PD Cover letter
- ☐ PD Notice
- ☐ File Assigned/ ModPod updated

- ☐ Preliminary Determination
- ☐ Fee Refund Due
- ☐ Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Reviewer: <u>JP</u> Date: <u>6/10</u> Coordinator: <u>DMP</u> Date: <u>6/14/08</u>
Comments/Special Issues: Historic SW to GW		

Special Order Volume: Vol: 75, Pages 66 Final Order Signature Date: 6-12-08

Notice of FO e-mailed to processors: Doug/dorothy/ken/mike

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That Mrs. Etta Metsker
of Walla Walla State of Washington, 99362 has a right to the use of
the waters of West Prong of Little Walla Walla River,

for the purpose of the irrigation of 39 acres of land, domestic and stock use;

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3, at page 323 ; that the priority of the right hereby confirmed dates from the year 1890;

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of flow of 1.00 cubic foot per second or its equivalent in case of rotation. The use for irrigation purposes hereunder shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

19 acres in Southeast quarter of Northwest quarter; 20 acres in Northeast quarter of Southwest quarter of Section Fifteen (15) Township Six (6) North Range Thirty-five (35) East of Willamette Meridian, in Umatilla County, Oregon.

SE 1/4 NW 1/4 19.0

NE 1/4 SW 1/4 20.0

sec. 15

T-10381
-17.7

-1.3

RR
1.3

18.7
20.0

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State
Water Board

affixed this 16th day

of July, 1917.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 1771.

T-9648

V.68 Pg 662 Rejecting

NEW TRANSFER

T-10381

T 10381



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

March 18, 2008

A. J. Wentland
52864 Stateline Road
Milton-Freewater, OR 97862

SUBJECT: Application T-10381

A draft of our Preliminary Determination regarding transfer application T-10381 is enclosed. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information for the lands to which the water right(s) are appurtenant (the FROM lands) that has been prepared within the last three months by a title company. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

In addition, you must provide notice of the proposed transfer to the holders of each of the affected water rights. Affected water rights include any water rights with an intervening point of diversion. The Department has determined that the water rights listed in the enclosure are affected by the proposed transfer. Based on our records, the current water right holders are as identified. However, you are responsible for confirming that the current water right holders are as listed and identifying any other holders of the water rights listed. The notice may be mailed or hand-delivered. Delivery of the notice initiates a 30-day period in which the holder of the water right may file comments regarding the proposed historic change in point of diversion.

A copy of the notice that is to be provided to each holder of an affected water right is enclosed. After delivery of the notices, please send the completed and signed proofs of service (make sure the date of delivery of the notice is filled in) back to me, Doug Parrow, at the address at the top of this letter.

Because the new point of appropriation is more than ¼ mile from the authorized point of diversion and there is an intervening point of diversion under an existing water right located

A.J. Wentland
T-10381
March 18, 2008
Page 2

between the original point of diversion (POD) and your proposed POD (shallow well), the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response with respect to our conclusions in the draft Preliminary Determination, the report of ownership and lien information, and the completed proofs of service. If we do not receive your response and the report by April 30, 2008, a Preliminary Determination may be issued denying the application as incomplete. Please notify me if you need additional time to gather the required materials.

Please do not hesitate to contact me at 503-986-0881 or Douglas.M.Parrow@wrd.state.or.us if I may be of assistance.

Sincerely,



Doug Parrow
Transfers Program Coordinator
Field Services Division

cc: John Warinner, CWRE #358
Tony Justus, District 5 Watermaster

enc

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

In the Matter of Transfer Application
T-10381, Umatilla County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF AN
) HISTORIC CHANGE IN POINT OF
) DIVERSION TO A HYDRAULICALLY
) CONNECTED WELL

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

A. J. Wentland
52864 Stateline Road
Milton-Freewater, OR 97862

Findings of Fact

Background

1. On May 4, 2007, Mr. A.J. Wentland filed an application for an historic change the point of diversion to a shallow, hydraulically connected well under Certificate 1771. The Department assigned the application number T-10381.
2. The portion of the right to be transferred is as follows:
Certificate: 1771, in the name of Mrs. Etta Metsker
Use: Stock, Domestic and Irrigation of 19.0 acres
Priority Date: 1890
Rate: 0.49 cubic foot per second
Source: West Prong of Little Walla Walla River, tributary to Walla Walla River
Authorized Point of Diversion: The Walla Walla River Decree, the associated adjudication map, and the tabulation describing the right recognize and identify a ditch and dam located at:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
6 N	35 E	WM	15	SW SE	Metsker Lateral (Ditch)

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	15	SE NW	17.7
6 N	35 E	WM	15	NE SW	1.3

3. Application T-10381 proposes to change the point of diversion approximately 2,350 feet downstream from the authorized point of diversion to a shallow hydraulically connected well located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	15	NE SW	50 feet South and 500 feet West from the Center of Section 15

4. Notice of the application for transfer was published on May 22, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On _____, the applicant provided proof of service of delivery of notice to each of the holders of affected water rights. No comments were filed in response to the notice. OR Comments relating to _____ were filed by _____.

Transfer Review Criteria [OAR 690-380-4010(2)]

6. Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. Water has been taken from a hydraulically connected well for at least 10 years and also was used from the Metsker Ditch during the last five years. The condition of the diversion facilities at the authorized point of diversion suggests that the facility may not have been regularly used. However, the information in the record is not sufficient to initiate cancellation proceedings under ORS 540.631.
7. The application was filed under ORS 540.531, allowing the transfer of a surface water point of diversion to groundwater (a hydraulically connected shallow well), provided certain criteria are met. The application was accompanied by a groundwater hydrologist's report asserting the well is constructed in an unconfined aquifer that is hydraulically connected to the West Prong of the Little Walla Walla River and that use of the well will affect the surface water source "similarly" to use of the surface water point of diversion. The report was needed because the location of the well exceeded the statutory requirements of being within 500 feet of the surface water source and within 1,000 feet upstream or downstream of the authorized POD.
8. Department staff hydrogeologists concluded that the proposed well meets all the requirements of ORS 540.531, and estimated that pumping of the well will cause a greater than 50 percent stream depletion in less than 10 days, in accordance with OAR 690-380-2130(2)(c) and (11)(b).

9. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding #3, has been in use for more than 10 years.
10. Pursuant to OAR 690-380-2120(2)(c) the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
11. Pursuant to 690-380-2120(3), the Department determined that water right certificates 1779, 1783, 1784, 1776, and 1780 are affected water rights. A list of the affected water rights was provided to the applicant.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion from a surface water point of diversion to a ground water point of appropriation to reflect use of a historical point of appropriation proposed in application T-10381 appears to be consistent with the requirements of ORS 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 application T-10381 is approved, the final order will include the following:

- 1. The change in point of diversion proposed in application T-10381 is approved and shall be effective immediately upon issuance of this order.*
- 2. Water right certificate 1771 is cancelled.*
- 3. 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 1771 and any related decree.*
- 4. The quantity of water diverted at the new point of diversion (shallow well) shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 5. The well from which water is taken under the right shall be constructed and maintained so that the effect on the surface water source of the use of water from the well will be similar to the use of the original authorized point of diversion.*
- 6. The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
- 7. If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of*

the pump, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.

- 8. The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
- 9. When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
- 10. New certificates will be issued to describe the change in point of diversion for the portion of the right included in T-10381 and to describe the portion of the right not modified by this order. Together, the new certificates shall supersede Certificate 1771.*

Dated at Salem, Oregon this _____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

<p>This draft Preliminary Determination was prepared by Doug Parrow. If you have questions about the information in this document, you may reach me at 503-986-0881 or Douglas.M.Parrow@wrd.state.or.us.</p>
--

**Affected Water Rights
Application T-10381**

Certificate	Water Right Name	Current Owner	Location
D-1779	Simmons, AW	Beck, Marion	6-35-15C-1700
D-1779	Simmons, AW	Beck, Marion	6-35-15C-1700
D-1783	Vajle, Nettie Brand	Beck, Marion	6-35-15C-1500
D-1784	Waggoner, CS	Roemer, Harold	6-35-15C-1600
D-1776	Sayer, Ada E	Johnson, James	6-35-15C-1000
D-1780	Smuckal, WE	Rencken, Rudolph	6-35-16-200
D-1780	Smuckal, WE	Doherty, Art	6-35-16-100
D-1780	Smuckal, WE	Rencken, Rudolph	6-35-16-200
D-1780	Smuckal, WE	Doherty, Art	6-35-16-100
D-1780	Smuckal, WE	Rencken, Rudolph	6-35-16-200
D-1780	Smuckal, WE	Doherty, Art	6-35-16-100

Notice of Application for Historic Point of Diversion Change

T-10381 filed by A.J. Wentland, 52864 Stateline Road, Milton-Freewater, OR 97862, proposes a change in point of diversion under Certificate 1771 to reflect historic use. The right allows the use of 0.49 cfs (priority date 1890) from the West Prong of the Little Walla River, tributary to the Walla Walla River from a diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 15, T6N, R35E, W.M. for irrigation of 19.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 15, T6N, R35E, W.M.

The applicant proposes to change the authorized point of diversion to a well that is approximately 2,400 feet to the north of the authorized point of diversion. The well is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 15, T6N, R35E, W.M.

Any person may comment on the proposed change in point of diversion. Any comments must be provided within 30 days of receipt of this notice. Comments should be addressed to Transfers Section, Oregon Water Resources Department, 725 Summer St NE, Salem, OR 97301-1271. Additional information may be obtained by phone at 503-986-0883 or by email at Douglas.M.Parrow@wrdd.state.or.us.

Historical Change in Point of Diversion Water Right Transfer

Proof of Service

I, _____, did on
(printed or typewritten name)

_____, 2008,
(Month) *(Day)*

mailed or hand delivered a copy of notice of Transfer Application Number T-10381 to
the following holder of Water Right Certificate _____ by regular United States mail
with sufficient postage prepaid to the following address:

name

address

city state zip code

Signature: _____

Date: _____



LOT BOOK SERVICE

AJ WENTLAND

Date : April 2, 2008

Order No. 0061240

Cost: \$150.00

We have searched our Tract Indices as to the following described property:

SEE ATTACHED LEGAL DESCRIPTION

and as of March 31, 2008 at 8:00 A.M., we find that the last deed of record runs to:

ANDREW JAMES WENTLAND AND BRIANNA R. WALKER, as tenants by the entirety.

We also find the following apparent encumbrances within ten years prior to the effective date hereof:

1. Deed of Trust, including the terms and provisions thereof, executed by Andrew James Wentland and Brianna R. Walker, Husband and Wife as grantor, to AmeriTitle as trustee for Community Bank, Beneficiary, Dated April 23, 2007, Recorded April 30, 2007, Instrument No. 2007-5180805, Umatilla County Microfilm Records, given to secure the payment of \$192,000.00.

We have also searched our General Index for Judgments and State and Federal Tax Liens against the above named grantees and find the following:

1. NONE

We also find the following unpaid taxes and city liens:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.

NOTE: Taxes for the year 2006-2007: \$1,219.37

Account No. 6N 35 15 C 100 7-14

Serial No. 129364

RECEIVED

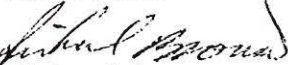
MAY 02 2008

**WATER RESOURCES DEPT
SALEM OREGON**

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. Our search was limited to our tract indices and no examination of the public record was made. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

AmeriTitle



Richard Brown
Title Officer

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MAY 02 2008

WATER RESOURCES DEPT
SALEM OREGON

Legal Description
File No. 0061240

Part of Northwest Quarter and Northeast Quarter of Southwest Quarter of Section 15,
Township 6 North, Range 35, and described as:

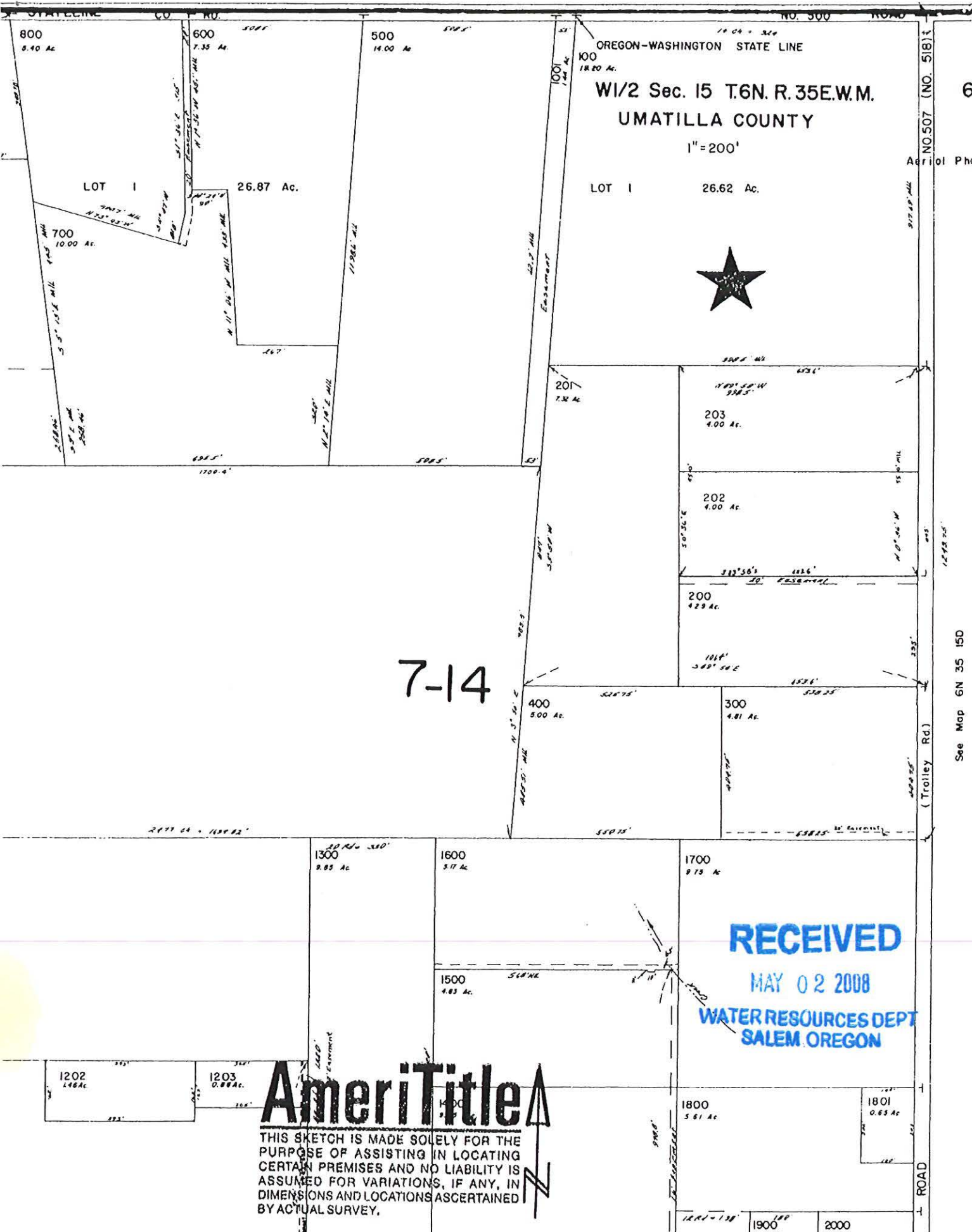
Beginning at a point on line running North and South through center of said Section 15,
and 1249.75 feet North of Southeast corner of Northeast Quarter of Southwest Quarter of
said Section 15; thence North 89°58' West a distance of 998.5 feet, more or less, to
Westerly line of that tract conveyed to W.S. Metsker, et ux, by Deed recorded in Book
135, Page 199, Umatilla County Deed Records; thence Northerly along Westerly line of
said Deed to State line between the States of Oregon and Washington; thence Easterly
along said State line 14 chains; thence South along line running North and South
through center of said Section 15, a distance of 917.69 feet, more or less, to the
point of beginning;

EXCEPTING THEREFROM Northerly 15 feet for road purposes;

SUBJECT to any and all water rights of way and roads;

All being East of the Willamette Meridian, Umatilla County, Oregon.

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MAY 02 2008
WATER RESOURCES DEPT
SALEM OREGON



6

Aerial Photo

See Map 6N 35 15D

RECEIVED

MAY 02 2008

WATER RESOURCES DEPT
SALEM OREGON

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING
CERTAIN PREMISES AND NO LIABILITY IS
ASSUMED FOR VARIATIONS, IF ANY, IN
DIMENSIONS AND LOCATIONS ASCERTAINED
BY ACTUAL SURVEY.

Historical Change in Point of Diversion Water Right Transfer

Proof of Service

I, A. J. WENTLAND, did on
(printed or typewritten name)

APRIL, 30, 2008,
(Month) (Day)

mailed or hand delivered a copy of notice of Transfer Application Number T-10381 to the following holder of Water Right Certificate _____ by regular United States mail with sufficient postage prepaid to the following address:

Community BANK
name

13 N 5TH AVE
address

MILTON - FREEWATER OR
city state zip code
97862

Signature: [Signature]

Date: 4-30-08

RECEIVED
MAY 02 2008
WATER RESOURCES DEPT
SALEM, OREGON

Historical Change in Point of Diversion Water Right Transfer

Proof of Service

I, A. S. WENTLAND, did on
(printed or typewritten name)

April, 30, 2008,
(Month) (Day)

mailed or hand delivered a copy of notice of Transfer Application Number T-10381 to the following holder of Water Right Certificate D-1780 by regular United States mail with sufficient postage prepaid to the following address: x3

Rudolph Rencken C/o John Rencken
name

52494 Stateline Rd
address

Milton-Freewater OR 97862
city state zip code

Signature: 

Date: 4-30-08

RECEIVED

MAY 02 2008

WATER RESOURCES DEPT
SALEM OREGON

Historical Change in Point of Diversion Water Right Transfer

Proof of Service

I, A.J. WENTZAMP, did on
(printed or typewritten name)

APRIL, 30, 2008,
(Month) (Day)

mailed or hand delivered a copy of notice of Transfer Application Number T-10381 to the following holder of Water Right Certificate D1780 by regular United States mail with sufficient postage prepaid to the following address: X3

Art Doherty
name

52620 Starkline Rd
address

Milton - Freewater OR 97862
city state zip code

Signature: [Signature]

Date: 4-30-08

RECEIVED

MAY 02 2008

WATER RESOURCES DEPT
SALEM, OREGON

Historical Change in Point of Diversion Water Right Transfer

Proof of Service

I, A. J. WENTZANO, did on
(printed or typewritten name)

APRIL, 30, 2008,
(Month) (Day)

mailed or hand delivered a copy of notice of Transfer Application Number T-10381 to the following holder of Water Right Certificate D-1783 by regular United States mail with sufficient postage prepaid to the following address: D-1779

Marion Beck
name

52839 Sunquist Rd
address

Milton - Freewater OR 97852
city state zip code

Signature: 

Date: 4-30-08

RECEIVED

MAY 02 2008

WATER RESOURCES DEPT
SALEM OREGON

Historical Change in Point of Diversion Water Right Transfer

Proof of Service

I, A. J. WENTLAND, did on
(printed or typewritten name)

APRIL, 25, 2008,
(Month) (Day)

mailed or hand delivered a copy of notice of Transfer Application Number T-10381 to the following holder of Water Right Certificate D-1784 by regular United States mail with sufficient postage prepaid to the following address:

Harold Roemer
name

52843 Songvist Rd
address

Milton - Freewater OR
city state zip code 97862

Signature: [Signature]

Date: April 25, 2008

RECEIVED
MAY 02 2008
WATER RESOURCES DEPT
SALEM OREGON

Historical Change in Point of Diversion Water Right Transfer

Proof of Service

I, A. J. WENTLAND, did on
(printed or typewritten name)

APRIL, 30, 2008,
(Month) (Day)

mailed or hand delivered a copy of notice of Transfer Application Number T-10381 to the following holder of Water Right Certificate D-176 by regular United States mail with sufficient postage prepaid to the following address:

James Johnson
name

85598 MEISSNER LN,
address

MILTON - FREEWATER OR 97882
city state zip code

Signature: 

Date: 4-30-08

RECEIVED

MAY 02 2008

WATER RESOURCES DEPT
SALEM, OREGON

Doug Parrow

From: Doug Parrow
Sent: Tuesday, May 06, 2008 9:49 PM
To: Arthur Doherty
Cc: Sarah Henderson
Subject: RE: Notice of Application for Historic Point of Diversion Change

Mr. Doherty,

The request for a change involves a move downstream from the authorized surface water diversion to an existing well that is in hydraulic connection to the West Prong. The historic POD change statutes provide a process for water users to request approval of changes in diversions that were made without authorization more than 10 years ago.

Given that the change in diversion was made more than 10 years ago, we would not expect any change in flows in the West Prong resulting from our granting Mr. Wentland's request--any change in flows would have occurred more than 10 years ago. If Mr. Wentland were to resume use of the authorized surface water diversion rather than the well, we would expect a small decrease in flows in the West Prong between the proximity to the well and the location of the surface water diversion.

If the change were being made today, we would expect it to result in a small increase in flows in the reach between the surface water diversion and the proximity of the well. In addition, we would expect the impact of use to be moderated and extended over time (turning pumps on at a surface water diversion results in an immediate reduction in flows until the pumps are turned back off, while the impacts on a stream of turning pumps on at a hydraulically connected well are not immediate and average out somewhat over periods in which the pump is on and then off).

I am out of the office for the next several days, but can respond to your email if you have follow up questions. Additionally, Sarah Henderson can send you a copy to the map showing the locations of the authorized surface water diversion and the well if you request it of her. It would be helpful if you would include the transfer application number (T-xxxxx) in such a request.

Hope this helps,
Doug Parrow

-----Original Message-----

From: Arthur Doherty [mailto:adoherty@bluecc.edu]
Sent: Mon 5/5/2008 9:42 AM
To: Doug Parrow
Subject: Notice of Application for Historic Point of Diversion Change

Good Morning,

I received a letter from AJ Wentland and Brianna Walker, indicating that a request had been made to change the point of diversion in our area. I am not sure what effect this will have on our water usage nor, the flow of the west prong of the Walla Walla river?

Any help or advise would be wonderful concerning this issue, thanks.

Art Doherty

Doug Parrow

From: Tony Justus
Sent: Friday, March 07, 2008 1:41 PM
To: Doug Parrow
Subject: RE: T-10381 - Wentland

Attachments: WSTPRNG 1.xls



WSTPRNG 1.xls (40 KB)

I have attached a spreadsheet the pods #s are listed in right hand column. WP6 is the authorized pod and a straight line from well to creek would take in pods 7,8,9& 10. I have highlighted them on the attached spreadsheet distribution list. POD 10 is a pod of record. There is no delivery system in place to deliver from it.

-----Original Message-----

From: Doug Parrow
Sent: Friday, March 07, 2008 12:26 PM
To: Tony Justus
Cc: Mike Ladd
Subject: T-10381 - Wentland

Tony,

The file doesn't indicate whether there are any "affected water rights", the owners of which the applicant is required to provide notice. Given the definition of "affected water right," I think that would most likely be a water right with a diversion that is between the authorized point of a diversion and a perpendicular line from the stream to the proposed well.

Would you please let me know if you are aware of any affected water rights and, if so, what rights they are?

Thanks,
Doug

HISTORY of HOW HYDROLOGIST REPORT ENDED
UP IN TRANSFER FILE T-10381

Ken Dowden

From: Kelly Starnes
Sent: Thursday, January 24, 2008 2:04 PM
To: Doug Parrow; Ken Dowden
Subject: FW: Returned Application for Water Right Transfer - Roger Thiesen

here ya go....

From: John Warinner [mailto:warinner@gohighspeed.com]
Sent: Sunday, February 25, 2007 2:39 PM
To: 'Kelly Starnes'
Cc: Douglas.M.PARROW@wrd.state.or.us; DEFILIPPI@stoel.com; Mike.J.ZWART@wrd.state.or.us; wentaj@hotmail.com; Tony.G.JUSTUS@wrd.state.or.us
Subject: RE: Returned Application for Water Right Transfer - Roger Thiesen

-->
Thank you Kelly.
JohnW

From: Kelly Starnes [mailto:Patrick.K.STARNES@wrd.state.or.us]
Sent: Friday, February 23, 2007 2:59 PM
To: 'John Warinner'
Cc: Douglas.M.PARROW@wrd.state.or.us; DEFILIPPI@stoel.com; Mike.J.ZWART@wrd.state.or.us; wentaj@hotmail.com; Tony.G.JUSTUS@wrd.state.or.us
Subject: RE: Returned Application for Water Right Transfer - Roger Thiesen

Hello John -

In order for the new transfer application to meet the requirements under the sw-gw transfer rules, the Department needs either a new sw-gw geologist report or a copy of the existing report and Mike's review memo with a letter (signed and stamped) from a licensed geologist agreeing with the findings of Mike's review of said report. If the geologist wishes to do more field investigation/verification that is up to him, as he will be responsible for either the new report or letter confirming earlier findings.

Kelly

From: John Warinner [mailto:warinner@gohighspeed.com]
Sent: Friday, February 23, 2007 11:11 AM
To: 'Kelly Starnes'; 'K Lindsey'
Cc: Tony.G.JUSTUS@wrd.state.or.us; Douglas.M.PARROW@wrd.state.or.us; DEFILIPPI@stoel.com; Mike.J.ZWART@wrd.state.or.us; wentaj@hotmail.com
Subject: RE: Returned Application for Water Right Transfer - Roger Thiesen

-->
Hello Kelly -

Our preferred hydrogeologist (Kevin Lindsey of Groundwater Solutions) has reviewed the various pieces of information that you and I provided to him. He just sent me the attached email message with an estimated cost of \$2,000-to-2,500 to provide the review memo or new report that you have requested.

1/24/2008

It seemed appropriate to run this dollar figure and Kevin's explanation past you to double-check whether you perceive the value of this additional work to be worth the expense to the applicant.

Do you suppose the existing third-party, OWRD-reviewed report is sufficient verification of the surface-ground hydraulic connectivity in this situation - or do you perceive the additional investigative work to be worthy of this additional expense to the applicant?

I appreciate your consideration of this question, in light of the additional information now available.

Also, I have discussed this with Kevin Lindsey and he approved of me forwarding his email to you. I welcome you (or Mike Zwart) to communicate directly with Kevin Lindsey if that would help you to evaluate this situation and make your decision.

Sincerely,

John Warinner, PE, CWRE
Fountainhead
1860 Blue Creek Road
Walla Walla, WA 99362
509.529.2646 phone
warinner@gohighspeed.com

From: Kelly Starnes [mailto:Patrick.K.STARNES@wrdd.state.or.us]
Sent: Tuesday, February 13, 2007 1:42 PM
To: 'John Warinner'
Cc: Tony.G.JUSTUS@wrdd.state.or.us; Douglas.M.PARROW@wrdd.state.or.us; DEFILIPPI@stoel.com; Mike.J.ZWART@wrdd.state.or.us; wentaj@hotmail.com
Subject: RE: Returned Application for Water Right Transfer - Roger Thiesen

Hello John -

Tony thought that there was a previous transfer (T-9648) that proposed the same change. I looked up the file, and sure enough, in the file there is a geologists report and our Ground Water Section's (Mike Zwart) review memo of that report. Evidently the geologist's report had mis-located the proposed well and Mike ran a stream depletion model based on the correct location of the well and found that the well meets the SW-GW requirements. I will fax you a copy of the report and Mike's review memo.

I talked with Doug Parrow and we think that the applicant can do one of two things, either:

1. Submit a copy of the previous geology report and Mike's review memo, with a letter from a licensed geologist that agrees with the findings of Mike's review of that report, or,
2. Submit a new geologist report.

Kelly

From: John Warinner [mailto:warinner@gohighspeed.com]
Sent: Monday, February 12, 2007 3:54 PM
To: 'Kelly Starnes'
Cc: Sarah.A.HENDERSON@wrdd.state.or.us; Tony.G.JUSTUS@wrdd.state.or.us; wentaj@hotmail.com; DEFILIPPI@stoel.com; Douglas.M.PARROW@wrdd.state.or.us
Subject: RE: Returned Application for Water Right Transfer - Roger Thiesen

-->

1/24/2008

Kelly -
 Thank you for your timely response to my questions.
 JohnW

From: Kelly Starnes [mailto:Patrick.K.STARNES@wrdd.state.or.us]
Sent: Monday, February 12, 2007 2:21 PM
To: warinner@gohighspeed.com
Cc: Sarah.A.HENDERSON@wrdd.state.or.us; Tony.G.JUSTUS@wrdd.state.or.us; wentaj@hotmail.com; DEFILIPPI@stoel.com;
 Douglas.M.PARROW@wrdd.state.or.us
Subject: FW: Returned Application for Water Right Transfer - Roger Thiesen
Importance: High

Hello John;

Sarah forwarded to me your e-mail regarding the Roger Thiesen returned transfer application. I reviewed the transfer application and determined that it needed to be returned. I will be glad to answer your questions.

1. Regarding Item 1 in your letter, I intend to revise the application to reflect that the original point of diversion shall not be retained, as required by the cited rule. My question on this item pertains to the application form itself. I am aware that, effective January 1, 2007, OWRD began using a new form for water right transfer applications. If we re-submit this application within a matter of days, will you accept slight revisions to this same form, or are we required to re-submit on the new transfer application form? Your willingness to receive the revised application on this same form would be greatly appreciated. However, I figured I had better ask rather than assume a re-submitted application would not be returned for that reason.

I discussed this with Sarah, and she said she would accept the form that had been used.

2. Regarding Item 2 in your letter, I have reviewed the cited rules, and understand the legal requirement for a hydrogeological report. However, it is our understanding that OWRD already performed a hydrological investigation pertaining to this specific situation, and have already concluded that the authorized surface water source and the existing groundwater well are hydraulically connected. It is our understanding that OWRD performed this investigation in regard to a previous water right application for the same well. We attempted to refer to this report in a letter we submitted with our transfer application. Are we correct in our understanding of the existence and conclusions of this prior OWRD investigation? If not, please clarify the situation for us. If our understandings about this report are correct, is OWRD willing to use this internally-generated hydrogeological assessment to fulfill the requirements of OAR 690-380-2130(2)(a) to (e)? If not, please explain why.

The previous OWRD ground water investigation was for a new ground water application and cannot be used in a surface water – ground water transfer application. The rules setting forth guidelines and criteria for that investigation can be found at OAR 690-009-0040 "Determination of Hydraulic Connection and Potential for Substantial Interference". The criteria for hydraulic connection in the review of new water right applications are different (see OAR 690-009-0040(4)(d)) than the surface water – groundwater hydraulic connection criteria described under OAR 690-380-2130(11). In any event, the location of the proposed well precludes the use of any Departmental ground water investigations alone. The transfer application will require a licensed geologist's report per OAR 690-380-2130(2)(e).

3. Regarding Item 3 in your letter, Tony Justus has prepared an Interoffice Memo dated February 5, 2007 that confirms that no complaints of injury have been made due to the use of water from the existing well proposed for inclusion in the transfer. We also received this memo in today's mail. Thank you Tony.

Please include Tony's memo when you re-submit the transfer application.

I hope this answers your questions regarding the returned transfer application.

1/24/2008

If you have any other questions, please call me 503-986-0886 or e-mail at Patrick.K.Starnes@wrdd.state.or.us.

Sincerely,

Kelly Starnes

From: John Warinner [mailto:warinner@gohighspeed.com]
Sent: Saturday, February 10, 2007 5:09 PM
To: 'Sarah Henderson'; 'Tony Justus'
Cc: AJ Wentland; David Filippi
Subject: Returned Application for Water Right Transfer - Roger Thiesen
Importance: High

-->

Sarah and Tony -

In today's mail, I received a copy of Sarah's letter dated February 7, 2007 regarding OWRD's return of the Application for Water Right Transfer submitted by AJ Wentland in the name of Roger Thiesen.

I have reviewed the cited Oregon Administrative Rules per your comments in this letter in preparation to generate the revised documents required for resubmittal of this Application for Water Right Transfer.

Please clarify the following issues for me:

1. Regarding Item 1 in your letter, I intend to revise the application to reflect that the original point of diversion shall not be retained, as required by the cited rule. My question on this item pertains to the application form itself. I am aware that, effective January 1, 2007, OWRD began using a new form for water right transfer applications. If we re-submit this application within a matter of days, will you accept slight revisions to this same form, or are we required to re-submit on the new transfer application form? Your willingness to receive the revised application on this same form would be greatly appreciated. However, I figured I had better ask rather than assume a re-submitted application would not be returned for that reason.
2. Regarding Item 2 in your letter, I have reviewed the cited rules, and understand the legal requirement for a hydrogeological report. However, it is our understanding that OWRD already performed a hydrological investigation pertaining to this specific situation, and have already concluded that the authorized surface water source and the existing groundwater well are hydraulically connected. It is our understanding that OWRD performed this investigation in regard to a previous water right application for the same well. We attempted to refer to this report in a letter we submitted with our transfer application. Are we correct in our understanding of the existence and conclusions of this prior OWRD investigation? If not, please clarify the situation for us. If our understandings about this report are correct, is OWRD willing to use this internally-generated hydrogeological assessment to fulfill the requirements of OAR 690-380-2130(2)(a) to (e)? If not, please explain why.
3. Regarding Item 3 in your letter, Tony Justus has prepared an Interoffice Memo dated February 5, 2007 that confirms that no complaints of injury have been made due to the use of water from the existing well proposed for inclusion in the transfer. We also received this memo in today's mail. Thank you Tony.

Thank you for clarifying these issues for us.

1/24/2008

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **87431**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: A.J. Wentland

BY: _____

CASH: ☐ CHECK: # 2317 OTHER: (IDENTIFY) ☐ _____

APPLICATION	
PERMIT	
TRANSFER	T-10381

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>350.00</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$ _____	CARD #	_____
0210 MONITORING WELLS	\$ _____	CARD #	_____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$ _____
0231 HYDRO LICENSE FEE (FW/WRD)		\$ _____
HYDRO APPLICATION		\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

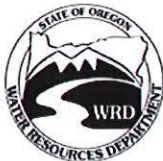
OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **87431**

DATED: 5/4/07

BY: L. Pauline



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a". Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

APPLICATION FOR:

Please check one

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Water Right Transfer | <input type="checkbox"/> Temporary Transfer
(number of years _____) | <input type="checkbox"/> Drought Transfer |
| <input checked="" type="checkbox"/> Historic Change in POD | <input type="checkbox"/> Permit Amendment | <input type="checkbox"/> Point of Diversion Change
Due to Government Action |
| <input type="checkbox"/> To Instream Use | | |
| <input type="checkbox"/> Other Transfer | | |

1. APPLICANT INFORMATION

Name: AJ Wentland
First Last
Address: 52864 Stateline Road
Milton-Freewater OR 97862
City State Zip
Phone: 509.386.4482
Home Work Other
*Fax: N/A *E-Mail address: wentaj@hotmail.com
*Optional information

2. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application)

Name: N/A N/A
First Last
Address: N/A
N/A N/A N/A
City State Zip
Phone: N/A N/A N/A
Home Work Other
*Fax: N/A *E-Mail address: N/A
*Optional information

3. TYPE OF CHANGE PROPOSED

Please check all that apply

Point of Diversion or Appropriation	Place of Use	Character of Use (n/a for Permit Amendments)
<input type="checkbox"/> Change (The old point of diversion or appropriation will not be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> Additional (Both the old and new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> Historic Point of Diversion (Unauthorized point of diversion used for more than 10 years.) <input checked="" type="checkbox"/> Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion and not as an additional point of appropriation.)	<input type="checkbox"/> All, or a portion, of the right will be exercised at a different location than currently authorized. (Use of water at the current location will be discontinued.) <input type="checkbox"/> Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Instream (complete Supplemental Form B) <input type="checkbox"/> Domestic (indicate number of households) _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Substitution (A supplemental ground water right will be substituted for a primary surface water right.)

Reason for changes: Groundwater well constructed in 1950's by previous landowner captures groundwater in hydraulic connection with both authorized water source (West Prong Little Walla Walla River) and unlined conveyance ditch that conveys water from Authorized POD to Authorized Places of Use.

Describe the **current** water delivery system. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right. (Not applicable to applications for Permit Amendments.)

Submersible pump (7.5 horsepower) lifts water from groundwater well (8-inch diameter, approximately 100 feet deep) into buried mainline that feeds riser valves. Water is currently applied to pasture/hay forage crops using wheel lines equipped with brass impact sprinklers.

System capacity: 0.30 cubic feet per second (cfs)

Attach one or more Evidence of Use Affidavits (Supplemental Form A) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years or that a presumption of forfeiture for non-use could be rebutted. (Not applicable to applications for Permit Amendments.)

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SALEM OREGON

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4. CURRENT WATER RIGHT INFORMATION

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Water Right Subject to Transfer (check and complete one of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>1771</u> Certificate Number	<u>Walla Walla River Decree</u> Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	<u></u> Name of Decree	<u></u> Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	<u></u> Permit Number	<u></u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	<u></u> Previous Transfer Number	<u></u> Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Permit for which an Amendment is Requested	<u></u> Permit Number	<u></u> Completion Date of Permit

Name on Permit, Certificate, or Decree: Mrs. Etta Metsker (on Certificate)

County: Umatilla Authorized Use(s): Irrigation, domestic & stock watering

Are there multiple **Priority Dates** identified on the water right? ☐ Yes ☒ No

*If "Yes", any information provided on **Page 4** must identify which priority date is associated with each of the proposed points of diversion/appropriation and places of use. In addition, list those priority dates:* N/A

Source(s) of Water Listed on Right: West Prong Little Walla Walla River

Tributary to: Walla Walla River

Are there other **Sources** listed on the water right? ☐ Yes ☒ No

*If "Yes", any information provided on **Page 4** must identify which source is associated with each of the proposed points of diversion/appropriation and proposed places of use. In addition, list those other sources:* N/A

Are there **Other Water Rights** or permits associated with this land? ☐ Yes ☒ No

If "Yes", what are the Permit or Certificate Numbers? N/A
Pursuant to ORS 540.510, any right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled.

Remarks: N/A

Certificate Number or other identifying number from *Page 3*: 1771

A separate page providing the following information must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Is the entire water right identified on **Page 3** affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page need not be completed.

If "No", the following information must be provided only for those points of diversion/appropriation and places of use that are involved in the transfer.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

[illegible]

Location of Existing Authorized Place of Use to be Changed:

[illegible]

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5. PROPOSED CHANGES TO THE WATER RIGHT

A separate page providing the information in this section must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Certificate Number or other identifying number from **Section 4**: 1771

Location of Proposed Point(s) of Diversion or Point(s) of Appropriation:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Survey Coordinates (coordinates from a recognized survey corner)
6	N	35	E	WM	15	SE NW	Tax Lot 100	50 feet S and 500 feet W from Center of Section 15

Attach additional copies as necessary to describe locations of other proposed points of diversion or appropriation. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Location of Proposed Place of Use:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)

Attach additional copies as necessary to describe locations of other proposed places of use. Clearly mark each of the additional copies with the appropriate Certificate Number or other identifying number. Not applicable to applications for transfers to instream water rights.

Remarks: No proposed change to Place of Use, but Transfer only applies to 17.7 acres in the SE/4, NW/4 and 1.3 acres in the NW/4, SW/4 of Section 15. Transfer does not apply to 20.0 acres in the NW/4, SW/4 of Section 15. Quarter-quarter acreages apparently vary from Certificate due to historic revision of quarter-quarter corners.

6. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No

Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No

Is water for any of the rights supplied under a water service agreement or other contract for stored water with a Federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

N/A

List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the rights are located).

Umatilla County - 216 SE Fourth - Pendleton, OR 97801

7. LAND OWNERSHIP

Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners:

Names of Current Landowner(s): N/A N/A
First Last

Address: N/A
N/A N/A N/A
City State Zip

Does the applicant own the lands **TO** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): N/A N/A
First Last

Address: N/A
N/A N/A N/A
City State Zip

Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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8. ATTACHMENTS

Check each of the following attachments included with this application. The application will be returned if all required attachments are not included.


Form A – Evidence of Use Affidavits <input checked="" type="checkbox"/> At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. Form B – Instream Water Right Transfer <input type="checkbox"/> Required for instream transfers only. Map <input checked="" type="checkbox"/> Permanent Water Right Transfer The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy. <input type="checkbox"/> Permit Amendment, Temporary Transfer, or Other Application A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner. Evidence of Lien Holder Notification <input type="checkbox"/> Copies of the written notification of the proposed transfer provided by the applicant to each lien holder, unless the water right has been quit claimed. Recorded Deed <input type="checkbox"/> Required for temporary transfers only.	Land Use Information Form: <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Not Required if all of the following are met: ① In EFU zone or irrigation district, ② Change in place of use only, ③ No structural changes needed, including diversion works, delivery facilities, other structures, and ④ Irrigation only. Water Well Reports/Well Logs: <input checked="" type="checkbox"/> The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached. <input type="checkbox"/> Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached. <input type="checkbox"/> The application is for a surface water transfer and water well reports are not required. Fees: <input checked="" type="checkbox"/> Amount enclosed: \$ 350 See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.
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9. SIGNATURES

I (we) understand that prior to approval of a permanent transfer and after issuance of a draft preliminary determination by the Department, I (we) must submit:

- (1) A report on ownership and lien information prepared by a title company within the last three months if required under OAR 690-380-3000(13), and
- (2) If I (we) are not the landowners, proof that the landowner or entity to which the water right has been quitclaimed consents to the transfer or that ownership information is not required.

I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	AJ Wentland name (print)	May 2, 2007 date
_____ applicant signature	_____ name (print)	_____ date

Before submitting your application, be sure you have:

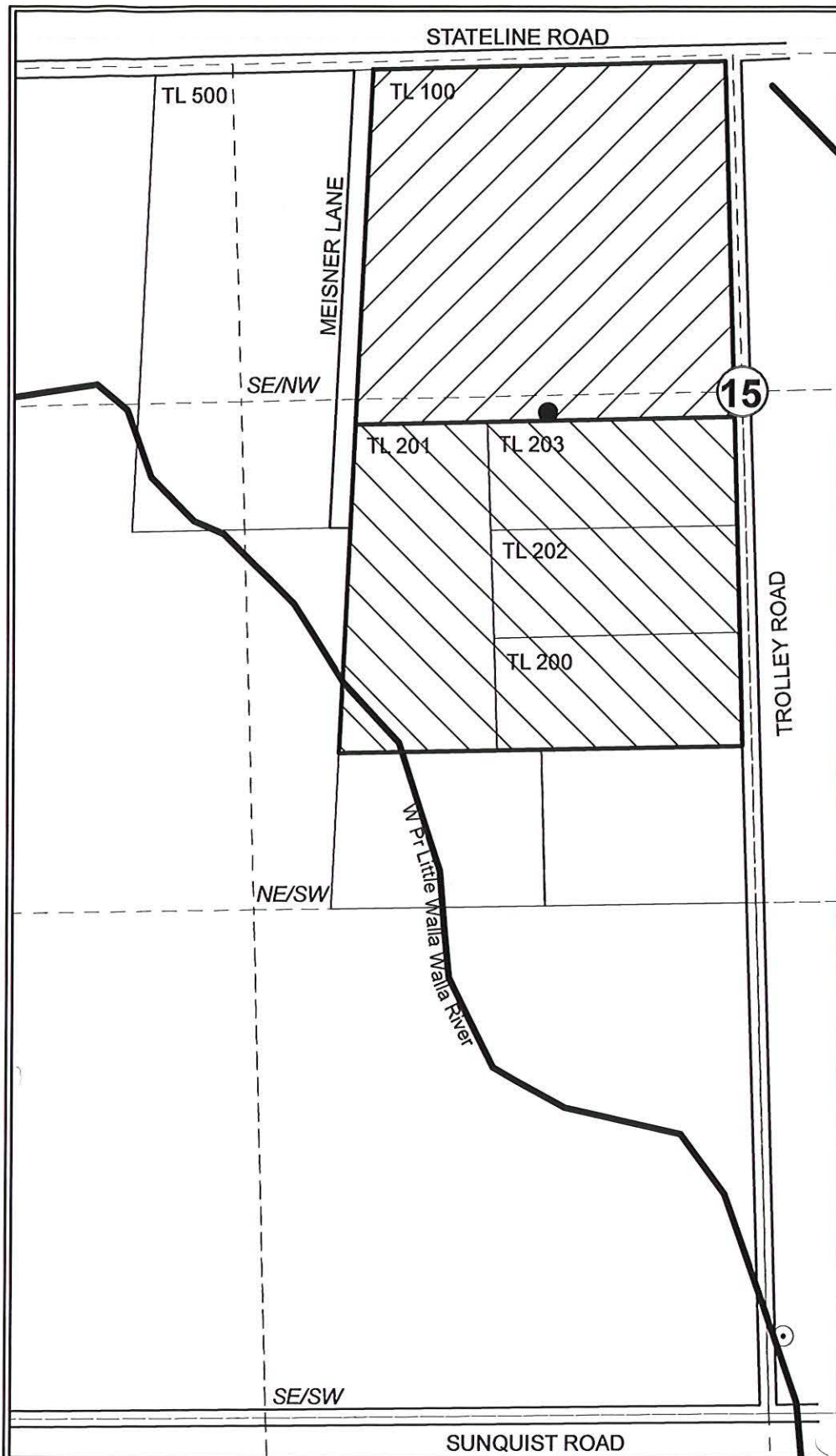
- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all named deed holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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Transfer Application/7

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T6N, R35E, WM
Section 15
Umatilla County





1 inch = 400 feet

LEGEND

- **Authorized POD**
Clark Ditch located in the SW/4 of SE/4 of Section 15 at a distance 200 feet N and 30 feet E from the S Quarter-Corner of Section 15.

- **Proposed POA**
Historic groundwater well developed in the 1950s and located in the NE/4 of SW/4 of Section 15, at a distance 50 feet S and 500 feet W from Center of Section 15.

-  **POU Included**
19.0 acres, including 17.7 acres in SE/4, NW/4 and 1.3 acres in NE/4, SW/4 of Section 15.

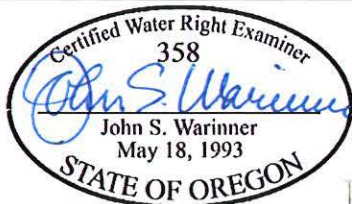
-  **POU Not Included**
20.0 acres in NE/4, SW/4 of Section 15.

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The purpose of this map is to identify the location of a water right. It is not intended to provide information regarding the location of property ownership boundary lines.



FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
509.529.2646 phone

TRANSFER MAP
Certificate No. 1771
Transfer Point of Diversion
To Historic Point of Appropriation

in the name of
AJ WENTLAND

Revised 30 APR 2007

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Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: AJ Wentland

Address: 52864 Stateline Road

City: Milton-Freewater State: OR Zip: 97862 Day Phone: 509.386.4482

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
100	Rural Residential	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation, domestic & stock
	<u>EFU, FARM USE</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. Umatilla County

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☐ Water Use Permit ☒ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☒ Domestic (indicate number of households) 1
☐ Other _____

Briefly describe: Transfer from stream to hydraulically-connected well historically used since 1950's.

Indicate the source of the water to be used.

☐ Reservoir/Pond ☒ Ground Water ☒ Surface Water West Prong Little Walla Walla River
(source)

Indicate the estimated quantity of water the use will require: 0.30 ☒ CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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SALEM, OREGON

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152-058. Go to section B "Approval" below.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Richard Jennings Date: 5/1/07
 Title: Senior Planner Phone: 541-8278-6249
 Signature: [Signature]

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____
 Staff contact: _____ Phone: _____
 Signature: _____ Date: _____

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**Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
County of Umatilla) ss

I, AJ Wentland, in my capacity as Property Owner,
mailing address 52864 Stateline Road, Milton-Freewater, OR 97862
telephone number (509) 386-4482, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, or
☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
6	N	35	E	WM	15	SE NW	Tax Lot 100	17.7
6	N	35	E	WM	15	NE SW	Tax Lot 100	1.3

(continues on reverse side)

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Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
Irrigation of pasture and hay forage crops

5. The water delivery system used to apply water as authorized by the right is described below:

Water was appropriated from a groundwater well that is hydraulically connected and downgradient of the
Authorized Point of Diversion on the West Prong Little Walla Walla River and the unlined conveyance ditch
conveying water from the Authorized Point of Diversion to various Authorized Places of Use. Water was
appropriated with a 7.5-horsepower submersible pump and conveyed to the place of use with buried mainline.
Water was applied to pasture and hay forage crops using wheel lines equipped with brass impact sprinklers.

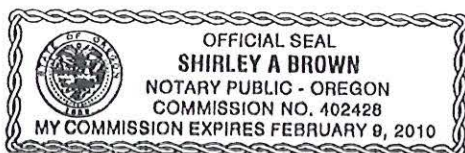
6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☒ Dedicated power usage records or receipts,
- ☐ Other: _____

[Signature]
Signature of Affiant

May 2, 2007
Date

Signed and sworn to (or affirmed) before me this 2 day of May, 2007



Shirley A Brown
Notary Public for Oregon

My Commission Expires: Feb 9 2010

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

Agreement Analysis

Date	Billing Transaction	Transaction Amount	End Balance
12/25/2003	Regular Billing	\$1.85	\$124.87
12/25/2003	Regular Billing	\$0.00	\$123.02
11/22/2003	Regular Billing	\$123.02	\$123.02
11/05/2003	Regular Payment	\$-246.40	\$0.00
10/25/2003	Regular Billing	\$3.62	\$246.40
10/23/2003	Regular Billing	\$1.40	\$242.78
10/20/2003	Regular Payment	\$-192.16	\$241.38
09/25/2003	Regular Billing	\$2.88	\$433.54
09/25/2003	Regular Billing	\$238.50	\$430.66
09/12/2003	Regular Payment	\$-208.46	\$192.16
08/26/2003	Regular Billing	\$3.16	\$400.62
08/25/2003	Regular Billing	\$186.81	\$397.46
07/25/2003	Regular Billing	\$210.65	\$210.65
07/19/2003	Regular Payment	\$-137.09	\$0.00
06/27/2003	Regular Billing	\$137.09	\$137.09
05/23/2003	Regular Billing	\$0.00	\$0.00
04/29/2003	Regular Billing	\$0.00	\$0.00
03/25/2003	Regular Billing	\$0.00	\$0.00
02/25/2003	Regular Billing	\$0.00	\$0.00
01/24/2003	Regular Billing	\$0.00	\$0.00
01/04/2003	Regular Payment	\$-184.44	\$0.00
12/24/2002	Regular Billing	\$2.73	\$184.44
12/24/2002	Regular Billing	\$0.00	\$181.71
11/25/2002	Regular Payment	\$-1.04	\$181.71
11/25/2002	Regular Payment	\$-37.54	\$182.75
11/23/2002	Regular Billing	\$121.87	\$220.29
11/08/2002	Regular Billing	\$59.84	\$98.42
11/08/2002	Regular Billing	\$-31.49	\$38.58
10/24/2002	Regular Billing	\$1.04	\$70.07
10/23/2002	Regular Billing	\$0.00	\$69.03
10/03/2002	Regular Payment	\$-475.26	\$69.03
09/24/2002	Regular Billing	\$7.13	\$544.29
09/24/2002	Regular Billing	\$61.90	\$537.16
08/23/2002	Regular Billing	\$2.96	\$475.26
08/23/2002	Regular Billing	\$275.00	\$472.30
07/24/2002	Regular Billing	\$197.30	\$197.30
07/12/2002	Regular Payment	\$-31.49	\$0.00
06/25/2002	Regular Billing	\$31.49	\$31.49

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05/28/2002	Regular Billing	\$0.00	\$0.00
04/23/2002	Regular Billing	\$0.00	\$0.00
03/25/2002	Regular Billing	\$0.00	\$0.00
02/23/2002	Regular Billing	\$0.00	\$0.00
01/25/2002	Regular Billing	\$0.00	\$0.00
12/25/2001	Regular Billing	\$0.00	\$0.00
12/24/2001	Regular Payment	\$-86.70	\$0.00
11/27/2001	Regular Billing	\$86.70	\$86.70
10/29/2001	Regular Payment	\$-197.94	\$0.00
10/26/2001	Regular Billing	\$0.00	\$197.94
09/23/2001	Regular Billing	\$197.94	\$197.94
09/17/2001	Regular Payment	\$-200.19	\$0.00
08/27/2001	Regular Payment	\$-262.43	\$200.19
08/24/2001	Regular Billing	\$3.94	\$462.62
08/23/2001	Regular Billing	\$196.25	\$458.68
07/25/2001	Regular Billing	\$262.43	\$262.43
06/22/2001	Regular Billing	\$0.00	\$0.00
05/23/2001	Regular Billing	\$0.00	\$0.00
04/24/2001	Regular Billing	\$0.00	\$0.00
03/23/2001	Regular Billing	\$0.00	\$0.00
02/23/2001	Regular Billing	\$0.00	\$0.00
01/24/2001	Regular Billing	\$0.00	\$0.00
12/22/2000	Regular Billing	\$0.00	\$0.00

Comments:

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10	10/21/2004		17		I		30		86626	0	0	0					\$0.00
09	09/21/2004		17		I		32	45	86626	1451	838	8					\$68.25
08	08/20/2004		17		I		29	119	85175	3447	840	8					\$162.13
07	07/22/2004		17		I		30	107	81728	3220	840	8					\$151.06
06	06/22/2004		17		I		33	19	78508	638	838	8					\$29.84
05	05/20/2004		17		I		29	34	77870	974	836	8					\$47.25
04	04/21/2004		17		I		27	79	76896	2143	834	8					\$106.57
	03/25/2004	0	17		S				74753		0						\$0.00

Comments:

Sources:

A=Adjustment, C=Customer, F=Field Read, I=Itron Read (regular), M=Manual (regular), O=Office Estimate, P=Postcard, S=System Estimate

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SALEM, OREGON

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SALEM, OREGON

Meter Reading History

Meter # 2366521

Site Address: TRLY LN .1S STLN WS MILTON FREEWATER OR 97862

Billing Month	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily KWH	KWH	KWH Usage	KW	KW Usage	ON KWH	ON KWH Usage	OFF KWH	OFF KWH Usage	Invoice
01	01/23/2007		17		S	SD	32		21315	0	0	0					\$0.00
12	12/22/2006		17		S	SD	31		21315	0	0	0					\$0.00
11	11/21/2006		17		I		32		21315	0	0	0					\$140.08
10	10/20/2006		17		I		28		21315	0	0	0					\$0.00
09	09/22/2006		17		I		31	103	21315	3180	833	8					\$153.02
08	08/22/2006		17		I		32	144	18135	4620	832	8					\$222.31
07	07/21/2006		17		I		31	115	13515	3571	833	8					\$170.42
06	06/20/2006		17		I		29	141	9944	4090	833	8					\$195.14
05	05/22/2006		17		I		31	54	5854	1666	835	8					\$79.68
04	04/21/2006		17		I		29		4188	0	0	0					\$0.00
03	03/23/2006		17		S	SD	29		4188	0	0	0					\$0.00
02	02/22/2006		17		S	SD	30		4188	0	0	0					\$0.00
01	01/23/2006		17		S	SD	31		4188	0	0	0					\$0.00
12	12/23/2005		17		S	SD	30		4188	0	0	0					\$0.00
11	11/23/2005		17		S	SD	30		4188	0	0	0					\$126.22
10	10/24/2005		17		I		31		4188	0	0	0					\$0.00
09	09/23/2005		17		I		31	148	4188	4590	830	8					\$203.05
08	08/23/2005		17		I		28	131	99598	3664	831	8					\$162.09
07	07/26/2005		17		I		33	170	95934	5605	831	8					\$266.07
06	06/23/2005		17		S	CL	30		90329	0	0	0					\$0.00
05	05/24/2005		17		I		32	38	90329	1210	823	8					\$57.69
04	04/22/2005		17		I		31	80	89119	2493	829	8					\$122.89
03	03/22/2005		17		S		29		86626	0	0	0					\$0.00
02	02/21/2005		17		S		31		86626	0	0	0					\$0.00
01	01/21/2005		17		S		31		86626	0	0	0					\$0.00
12	12/21/2004		17		S		33		86626	0	0	0					\$0.00
11	11/18/2004		17		S		28		86626	0	0	0					\$85.00

INTEROFFICE MEMO

Oregon Water Resources Department

Watermaster

DATE: February 5, 2007

TO: Transfer of Roger Thiesen

FROM: Tony Justus

SUBJECT: Historical transfer

CC:

I am not aware of any claims of injury regarding the use of the shallow well identified as the requested point of appropriation in the Roger Thiesen transfer application.

NOTE - PREVIOUS
TRANSFER WAS IN
NAME OF ROGER
THIESEN, BUT
PROPERTY WAS
RECENTLY SOLD TO
AJ WENTLAND,

Jim Warriner
CWRE

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WATER RESOURCES DEPT
SALEM, OREGON

10381



Principals Environmental and Water Resources Group

April 25, 2007

Kelly Starnes
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Hydrogeological study of groundwater/surface water interaction associated with T-9648.

Dear Mr. Starnes:

The purpose of this report is to discuss my findings regarding the groundwater interaction of the proposed transfer and the West Prong Little Walla Walla River.

I was the registered geologist that initially evaluated the interactions of a well and the river (Graham, 2003: Enclosure 1). I had found a well that was 1260 feet away, which I had assumed would be used in the transfer, had about 30% stream capture after 30 days, depending on such factors as hydraulic conductivity and stream bed conductance. I used a global positioning system to determine the location of that well.

Mr. Zwart, of the Water Resources Department, had determined that the transfer POA, would be 740 feet away from the river. It appears from my review of the files that I may not have used the same well as the proposed POA (I was led to the well by SCM) or there was some other factor(s) that may account for the differences in the distance of the well to the stream.

Due to project considerations, I evaluated the amount of interaction between the well and the river using the same simplifications and assumptions I used in my 2003 report (MODFLOW), but changed the location of the well so that it is 740 feet away. Figure 1 shows a graphic of the modeled output.

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WATER RESOURCES DEPT
SALEM, OREGON

T 10381

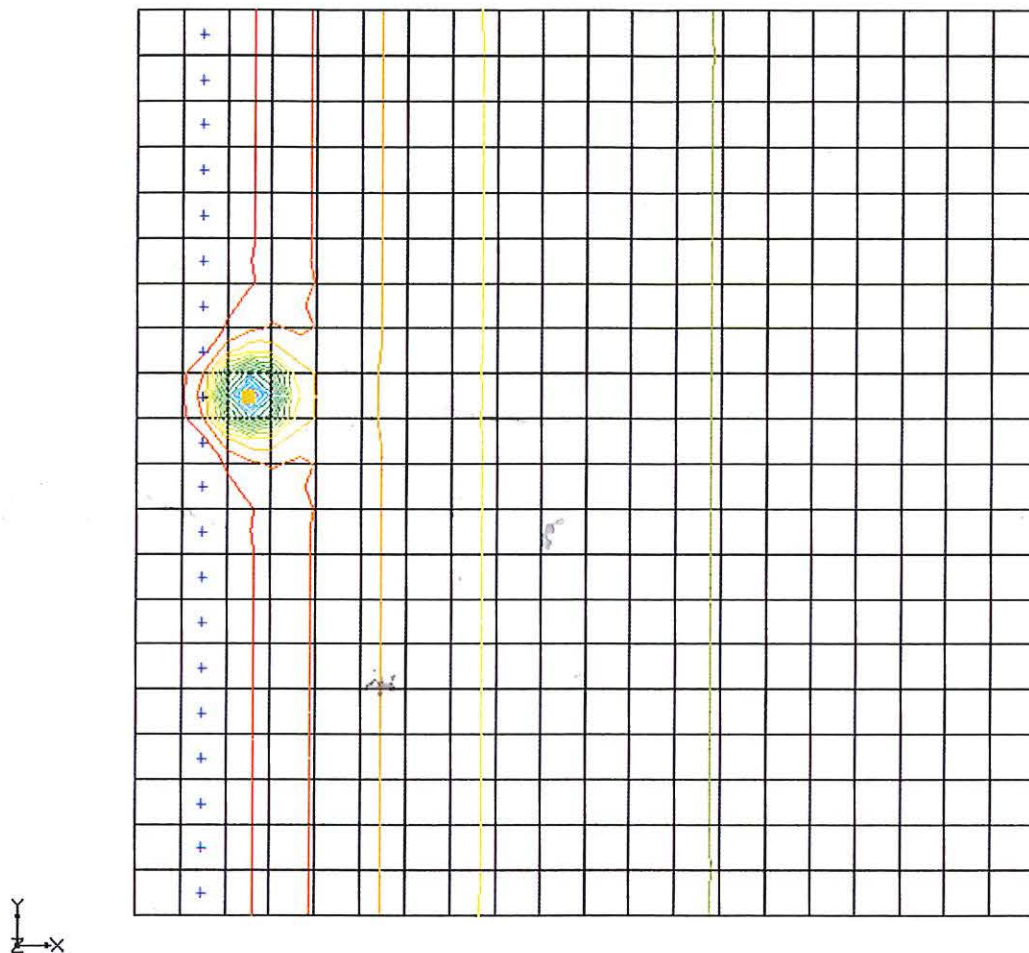


Figure 1. Model head distribution with pumping well with 10 days of continuous pumping.

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SALEM, OREGON

1 10381

As can be seen in Figure 1, there is a typical bullseye near the well at the end of the 10 day pumping period, but it also shows the dominance of the stream as a source of water.

In Table 1, I have shown the river leakage before and after 10 days of pumping.

<i>Days of pumping</i>	<i>Pumping rate (CFD)</i>	<i>River Leakage (CFD)</i>
0	0	14,953
10	43,200	37,263

As can be seen in Table 1, river leakage with pumping has increased by 22,310 cubic feet per day after 10 days of continuous pumping or about 51% of the wells discharge.

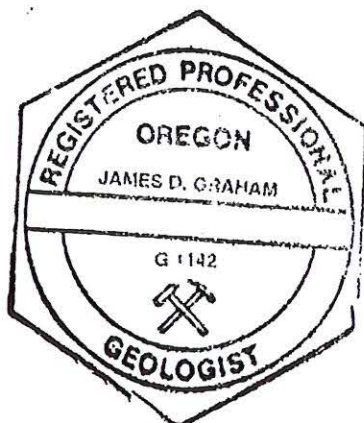
This model and my analysis from previous model runs show that this well effectively could receive most of its supply from the nearby creek within 10 days of continuous pumping at a distance of 740 feet from the stream. There are also other model scenarios, such as by varying stream-bed conductance's that could contribute less or much more water to the well. However, within the parameters and assumptions that I have addressed in this letter, I believe that this well should be regulated as a surface water source pursuant to ORS 540.531.

Sincerely,
Principals Environmental Group

James D. Graham

James D. Graham, RG
Registered Geologist

Enclosures: (2) Previous 2003 report, WRD report
CC: Central Files: e:/misc/submittal_newer.doc



Expires 7/31/2007

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**WATER RESOURCES DEPT
SALEM OREGON**

T 10381



Principals Environmental and Water Resources Group

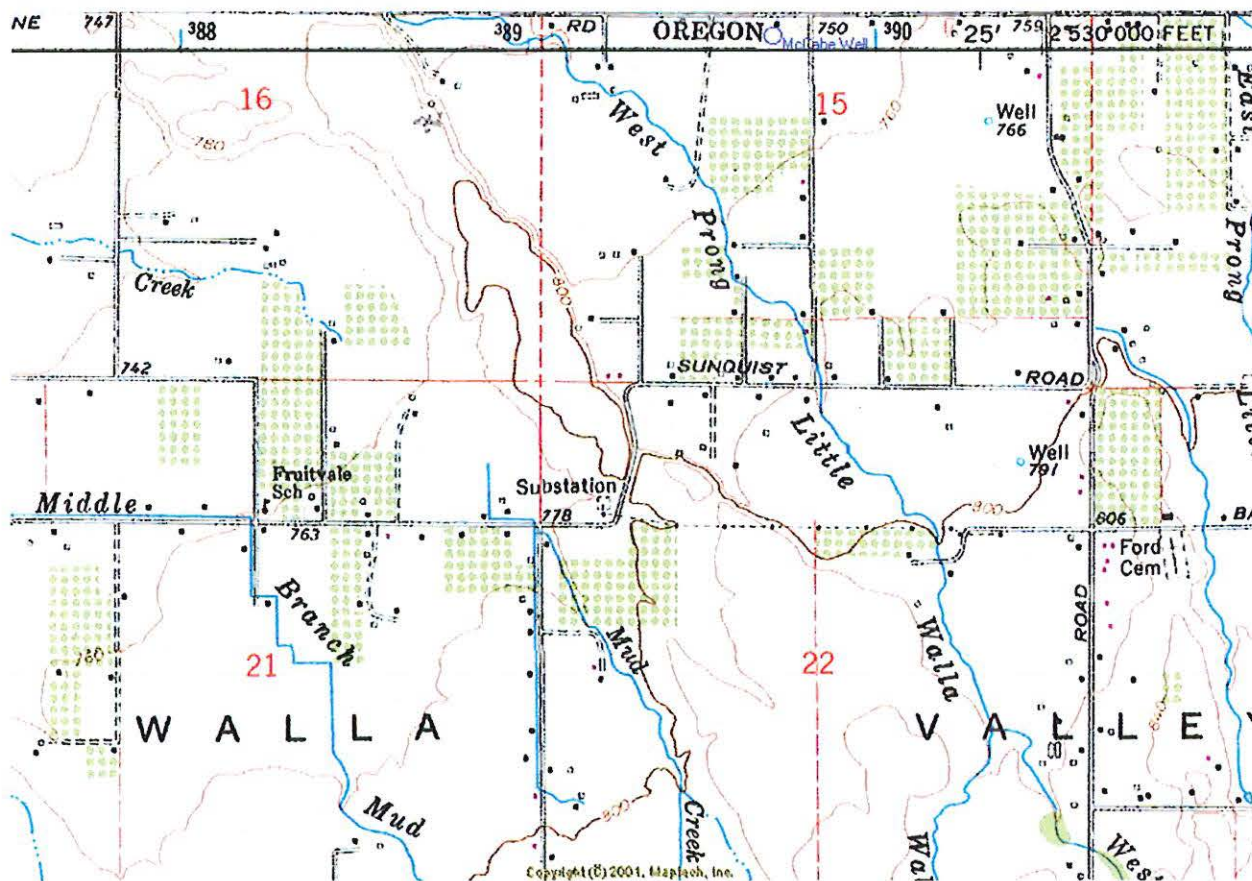
December 15, 2003

Bill Porfily
SCM Consultants, Inc.
P.O. Box 643
415 E. Wheeler
Stanfield, OR. 97875

Re: Hydrogeological study of groundwater/surface water interaction at McCade Well.

Dear Mr. Porfily:

The purpose of this report is to discuss my findings regarding the groundwater interaction of the McCade well and the nearby West Prong Little Walla Walla River as seen in the below figure:



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WATER RESOURCES DEPT
SALEM OREGON

T 10381

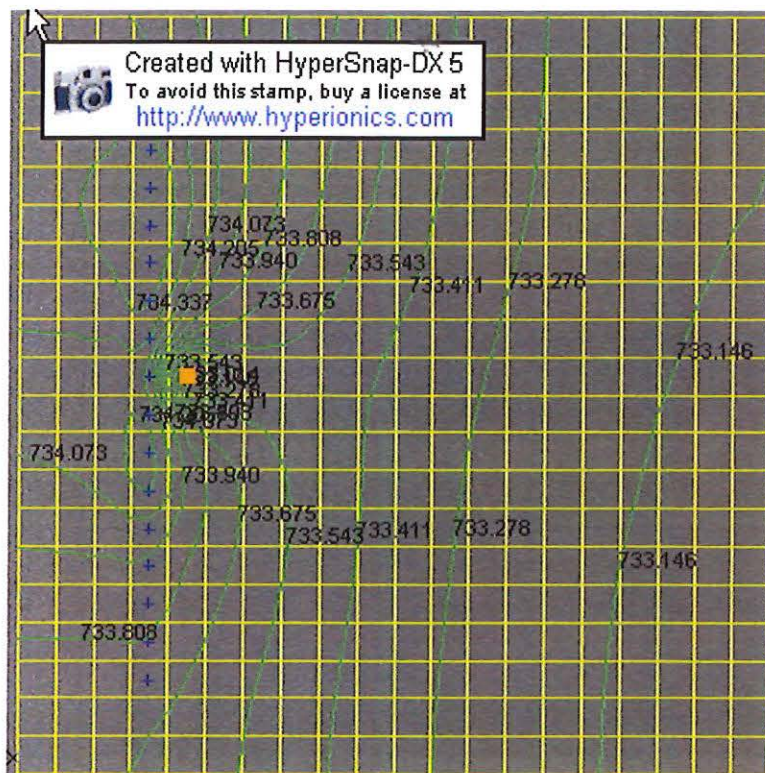
This well is 8 inches in diameter. We did not find a well log of the well. The well is located at UTM 11T 0389709 N and 5094858 E (NAD27 datum). The depth to water, as measured on November 5, 2003 @ 09:40, was 21.61 feet.

Due to project considerations, I evaluated the amount of interaction between the well and the river using the same simplifications and assumptions that are used in Jenkins (1977) method, which is commonly used by the Water Resources Department. Jenkin's principal assumptions include:

- The well is open to the full saturated thickness of the aquifer,
- The stream that forms the boundary is straight and fully penetrates the aquifer,
- The aquifer is isotropic, homogeneous, and semi-infinite in areal extent.

I used the MODFLOW 2000 model (McDonald and Harbaugh, 2000) to simulate the interaction using 30 days of continuous pumping at a rate of 43,200 cubic feet per day. Figure 2, below shows the simulated drawdown at the well and the nearby aquifer. The river cells are located along the left side of the model (column 4), at a distance of 1,260 feet from the well in Column 5 (this is the distance that I determined from the creek to the well). Other significant features of the model included a hydraulic conductivity of 40 ft/day and a specific yield of 0.1.

Figure 2. Model head distribution with pumping well.



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WATER RESOURCES DEPT
CLATSOP COUNTY, OREGON

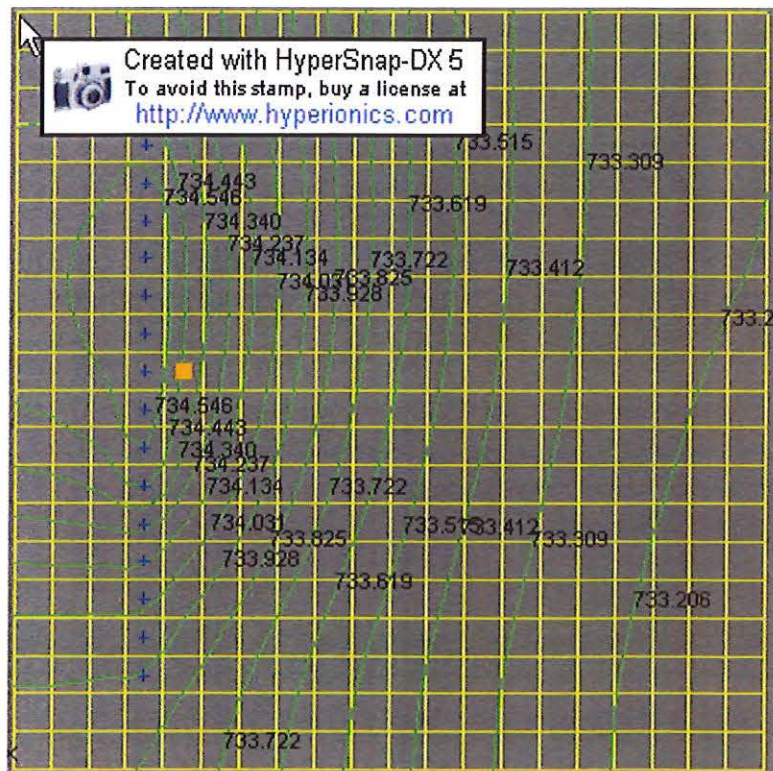
As can be seen in Figure 2, there is a typical bullseye near the well during the pumping period. In Table 1 (below), is a print-out of the mass balance at the end of the 30 day pumping period. The water that is lost from the river (58953 cubic feet/day) is compared with a similar model, but with no pumping well (Figure 3 and Table 2).

Table 1. With well

VOLUMETRIC BUDGET FOR ENTIRE MODEL AT END OF TIME STEP 10 IN STRESS PERIOD 2

CUMULATIVE VOLUMES	L**3	RATES FOR THIS TIME STEP	L**3/T
IN:		IN:	
STORAGE =	778363.0625	STORAGE =	17262.7773
CONSTANT HEAD =	0.0000	CONSTANT HEAD =	0.0000
WELLS =	0.0000	WELLS =	0.0000
RIVER LEAKAGE =	28718338.0000	RIVER LEAKAGE =	58953.3945
TOTAL IN =	29496702.0000	TOTAL IN =	76216.1719
OUT:		OUT:	
STORAGE =	28195310.0000	STORAGE =	33430.9883
CONSTANT HEAD =	0.0000	CONSTANT HEAD =	0.0000
WELLS =	1296000.0000	WELLS =	43200.0000
RIVER LEAKAGE =	0.0000	RIVER LEAKAGE =	0.0000
TOTAL OUT =	29491310.0000	TOTAL OUT =	76630.9844
IN - OUT =	5392.0000	IN - OUT =	-414.8125
PERCENT DISCREPANCY =	0.02	PERCENT DISCREPANCY =	-0.54

Figure 3. Model heads without well pumping.



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WATER RESOURCES DEPT
SALEM OREGON

10381

Table 2.

VOLUMETRIC BUDGET FOR ENTIRE MODEL AT END OF TIME STEP 10 IN STRESS PERIOD 2

CUMULATIVE VOLUMES	L**3	RATES FOR THIS TIME STEP	L**3/T
IN:		IN:	
---		---	
STORAGE =	0.0000	STORAGE =	0.0000
CONSTANT HEAD =	0.0000	CONSTANT HEAD =	0.0000
WELLS =	0.0000	WELLS =	0.0000
RIVER LEAKAGE =	28470854.0000	RIVER LEAKAGE =	45854.8828
TOTAL IN =	28470854.0000	TOTAL IN =	45854.8828
OUT:		OUT:	
----		----	
STORAGE =	28459308.0000	STORAGE =	46044.9219
CONSTANT HEAD =	0.0000	CONSTANT HEAD =	0.0000
WELLS =	0.0000	WELLS =	0.0000
RIVER LEAKAGE =	0.0000	RIVER LEAKAGE =	0.0000
TOTAL OUT =	28459308.0000	TOTAL OUT =	46044.9219
IN - OUT =	11546.0000	IN - OUT =	-190.0391
PERCENT DISCREPANCY =	0.04	PERCENT DISCREPANCY =	-0.41

As can be seen in Table 2. river leakage without pumping is reduced from 58953 to 45854 cubic feet per day (or a reduction of 13,099 cubic feet per day). This is about 30% of the wells discharge.

This model and my analysis from other model runs show that this well effectively could receive most of its supply from the nearby creek within 30 days of continuous pumping. There are also other model scenarios, such as a stream with less stream-bed conductance that could contribute less water to the well. However, within the parameters and assumptions that I have addressed in this letter, I believe that this well should be regulated as a surface water source within the Water Resources Department's Division 9 regulations.

Sincerely,
Principals Group



James D. Graham, RG
Registered Geologist

CC: Central Files: e:/misc/mccade_well_scm.doc

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WATER RESOURCES DEPT
SALEM, OREGON

10381

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ken Dowden, Transfer Section Date: September 20, 2005

From: Michael J. Zwart

Subject: Application Review: T-9648, Maura Q. McCabe, Surface Water to Ground Water

This application proposes a transfer from a surface water POD to a ground water POA pursuant to ORS 540.531. The proposed POA is about 2200 feet downstream from the authorized POD and is about 740 feet from the nearest reach of the West Prong Little Walla Walla River, based on the application map. These distances require that evidence prepared by a licensed geologist be submitted that demonstrates that the use of ground water will satisfy specific statutory criteria.

The well construction information is limited for the proposed POA: the estimated well depth is 100 feet and the estimated depth to water-bearing strata is 30 feet. However, review of a nearby application (G-15602) for a well of the same depth listed the source as gravel and two nearby well logs (UMAT 5339 and UMAT 4249). Based on this information, the well very likely produces water from an unconfined to possibly locally weakly semiconfined aquifer developed in sand and gravel. This information is found in my review of file G-15835, which was for the same well.

There appear to be no intervening surface water or ground water rights in the area of the proposal. I find that the proposed change will not result in an enlargement of the original water right or in injury to other water right holders.

The application included a copy of a report by Jim Graham of the Principals Environmental and Water Resources Group (PEG). The report seeks to satisfy the statutory criteria (>50% stream depletion in 10 days of pumping) which would allow the approval of the transfer. Unfortunately, the report concludes that the stream depletion caused by pumping of the subject well will only be 30.3 % after 30 days. However, the report also places the well at a distance of 1260 feet from the nearest reach of the river, rather than the estimated distance of 740 feet based on the application map. This distance agrees well with the earlier review of G-15835. I therefore made the necessary adjustments and used our version of the Jenkins/Hunt model to estimate stream depletion.

I find that the proposed POA will affect the surface water source similarly to the authorized POD. The attached output from an analytical model commonly used by Ground Water staff indicates that the use of the proposed POA would result in about 54 percent stream depletion after ten days of continuous pumping.

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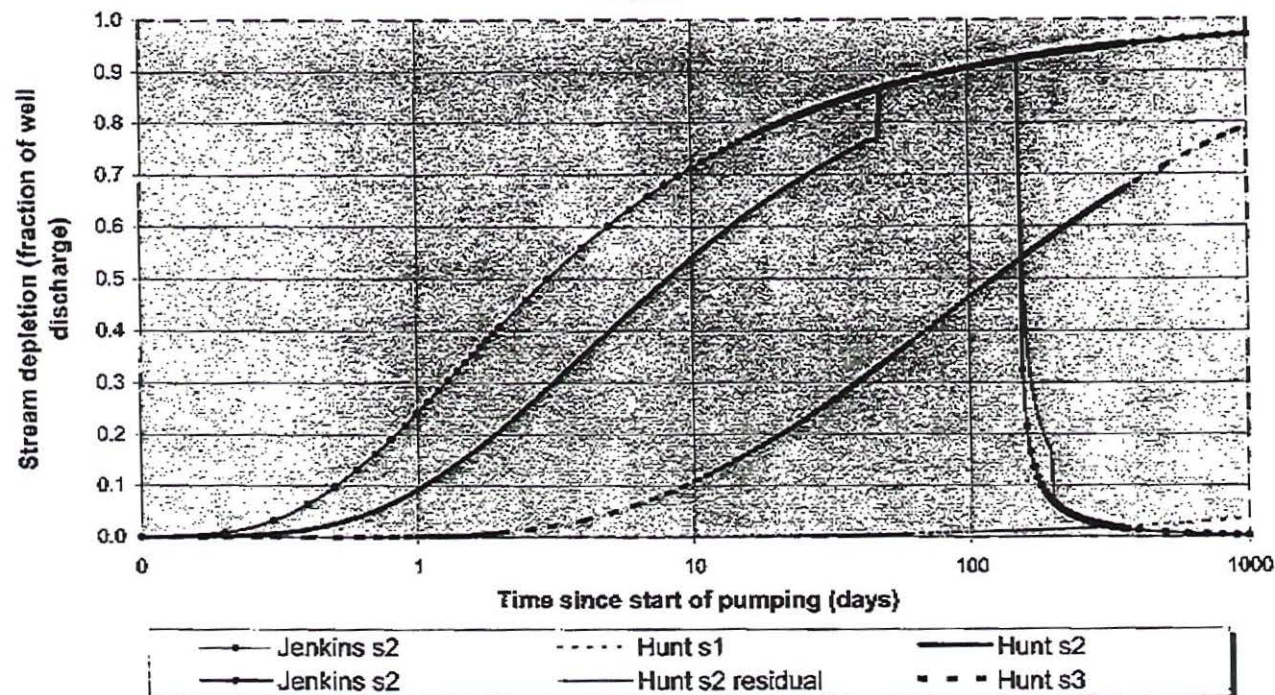
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SALEM OREGON

T 10381

Transient Stream Depletion (Jenkins, 1970; Hunt, 1999)

T-9648



Output for Hunt Stream Depletion, Scenario 2 (s2):

Days	30	60	90	120	150	180	210	240	270	300	330	360
Hunt SD s2	0.7170	0.8799	0.9018	0.9149	0.9239	0.2135	0.0557	0.0380	0.0283	0.0223	0.0181	0.0152
Qw, cfs	0.238	0.238	0.238	0.238	0.238	0.238	0.238	0.238	0.238	0.238	0.238	0.238
H SD s2, cfs	0.170	0.209	0.214	0.217	0.219	0.051	0.013	0.009	0.007	0.005	0.004	0.004

Parameters:

		Scenario 1	Scenario 2	Scenario 3	Units
Net steady pumping rate	Qw	0.2375	0.2375	0.2375	cfs
Distance to stream	a	740	740	740	ft
Aquifer hydraulic conductivity	K	50	200	50	ft/day
Aquifer thickness	b	100	100	100	ft
Aquifer transmissivity	T	5000	20000	5000	ft ² /day
Aquifer storage coefficient	S	0.1	0.1	0.1	
Stream width	ws	25	25	25	ft

sd_hunt_1_1.xls

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SALEM OREGON

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Streambed hydraulic conductivity	Ks	0.01	3	1	ft/day
Streambed thickness	bs	5	1	5	ft
Streambed conductance	sbc	0.05	75	5	ft/day
Stream depletion factor (Jenkins)	sdf	10.952	2.738	10.952	days
Streambed factor (Hunt)	sbf	0.0074	2.775	0.74	

sd_hunt_1_1.xls

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WATER RESOURCES DEPT
SALEM, OREGON

1 10381

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That Mrs. Etta Metsker
of Walla Walla State of Washington, 19362 has a right to the use of
the waters of West Prong of Little Walla Walla River,

for the purpose of the irrigation of 39 acres of land, domestic and stock use;

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Umatilla County, and the said decree entered of record at Salem,
in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3, at
page 323 ; that the priority of the right hereby confirmed dates from the year
1890;

that the amount of water to which such right is entitled and hereby confirmed for the
purposes aforesaid, is limited to an amount actually beneficially used for said pur-
poses, and shall not exceed a rate of flow of 1.00 cubic foot per second or its equi-
valent in case of rotation. The use for irrigation purposes hereunder shall con-
form to any reasonable rotation system ordered by the proper state officer.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows:

19 acres in Southeast quarter of Northwest quarter; 20 acres in Northeast
quarter of Southwest quarter of Section Fifteen (15) Township Six (6) North
Range Thirty-five (35) East of Willamette Meridian, in Umatilla County, Oregon.

SE 1/4 NW 1/4 19.0
NE 1/4 SW 1/4 20.0
sec. 15

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

WITNESS the seal and signature of the State
Water Board

affixed this 16th day

of July, 1917.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 1771 .

T-9648

V. 68 Pg 662 Rejecting T-10381

10381



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

May 21, 2007

AJ WENTLAND
52864 STATELINE ROAD
MILTON-FREEWATER OR 97862

Reference: Transfer 10381

On May 4, 2007 we received your water right transfer application requesting a change in point of diversion and surface water to ground water for use of water from WEST PR L WW RIVER, tributary to WEST LIT WALLA WALLA RIVER. The application was accompanied by \$350.00. Our receipt 87431 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #5
John Warinner, CWRE #358
Umatilla County (216 SE Fourth, Pendleton, OR 97801)
Groundwater

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 05/22/07

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: UMATILLA
Transfer: 10381
Water Right: CERT 1771
Priority Date: 1890
Name: AJ WNTLAND
Address: 52864 STATELINE RD; MILTON-FREEWATER OR 97862
Change: POD/SW TO GW
Source: WEST PRONG LITTLE WALLA WALLA RIVER
Authorized POD: T6N R35E 15
Proposed POA: T6N R35E 15

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10381

Review Due Date: 6-20-07

Applicant Name: A.J. Wentland

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☒ OTHER

Reviewer(s): Tony Justus

Date of Review: May. 29, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☒ Yes ☐ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: The property has been using water from the well, not the West Prong diversion for several years. I do not intend to file affidavits.
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☒ Yes ☐ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: We have had requests to distribute water for the past few years, every year.
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☒ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: Not sure where or how much return flows return to the stream in Oregon. The property's north border is the Washington state line. The irrigation method in use is sprinkler irrigation and there is no surface returns flows observed from the property. Any subsurface return flows may be entering Washington State.
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: I do not know, recent use has been from the well.
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____

8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No
If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: Regarding question #11: Headgate notices were sent out regarding the authorized POD. A headgate was installed. The application is requesting to use from a well instead of the POD from the stream.
10. What alternatives may be available for addressing any issues identified above: Headgates do not need to be a condition of approval for use from a well.
11. Have headgate notices been issued for the source that serves the right? ☒ Yes ☐ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input checked="" type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.

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

In the Matter of Transfer Application
T-10381, Umatilla County

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D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF AN
HISTORIC CHANGE IN POINT OF
DIVERSION TO A HYDRAULICALLY
CONNECTED WELL

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

A. J. Wentland
52864 Stateline Road
Milton-Freewater, OR 97862

Findings of Fact

Background

1. On May 4, 2007, Mr. A.J. Wentland filed an application for an historic change the point of diversion to a shallow, hydraulically connected well under Certificate 1771. The Department assigned the application number T-10381.

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

Certificate: 1771, in the name of MRS. ETTA METSKER

Use: Stock, Domestic and Irrigation of 19.0 acres

Priority Date: 1890

Rate: 0.49 cubic foot per second

Source: West Prong of Little Walla Walla River, tributary to Walla Walla River

Authorized Point of Diversion: The Walla Walla River Decree, the associated adjudication map, and the tabulation describing the right recognize and identify a ditch and dam located at:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
6 N	35 E	WM	15	SW SE	Metsker Lateral (Ditch)

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	15	SE NW	17.7
6 N	35 E	WM	15	NE SW	1.3

3. Application T-10381 proposes to change the point of diversion approximately 2,350 feet downstream from the authorized point of diversion to a shallow hydraulically connected well located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	15	NE SW	50 feet South and 500 feet West from the Center of Section 15

4. Notice of the application for transfer was published on May 22, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

5. Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. Water has been taken from a hydraulically connected well for at least 10 years and also was used from the Metsger Ditch during the last five years. The condition of the diversion facilities at the authorized point of diversion suggests that the facility may not have been regularly used. However, the information in the record is not sufficient to initiate cancellation proceedings under ORS 540.631.
6. The application was filed under ORS 540.531, allowing the transfer of a surface water point of diversion to groundwater (a hydraulically connected shallow well), provided certain criteria are met. The application was accompanied by a groundwater hydrologist's report asserting the well is constructed in an unconfined aquifer that is hydraulically connected to the West Prong of the Little Walla Walla River and that use of the well will affect the surface water source "similarly" to use of the surface water point of diversion. The report was needed because the location of the well exceeded the statutory requirements of being within 500 feet of the surface water source and within 1,000 feet upstream or downstream of the authorized POD.
7. Department staff hydrogeologists concluded that the proposed well meets all the requirements of ORS 540.531, and estimated that pumping of the well will cause a greater than 50 percent stream depletion in less than 10 days, in accordance with OAR 690-380-2130(2)(c) and (11)(b).
8. Pursuant to OAR 690-380-2120(2)(a), evidence has been submitted that the actual, current point of diversion for the water right in question, as described in Finding #3, has been in use for more than 10 years.

9. Pursuant to OAR 690-380-2120(2)(c) the Watermaster provided a statement that to his knowledge there has been no complaint of injury due to the use of water at the actual, current point of diversion, prior to the transfer request.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion proposed in application T-10381 appears to be consistent with the requirements of ORS 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 application T-10381 is approved, the final order will include the following:

1. *The change in point of diversion proposed in application T-10381 is approved.*
2. *Water right certificate 1771 is cancelled. New certificates will be issued to describe the change in point of diversion for the portion of the right included in T-10381 and to describe the portion of the right not modified by this order. Together, the new certificates shall supersede Certificate 1771.*
3. *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 1771 and any related decree.*
4. *The quantity of water diverted at the new point of diversion (shallow well) shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The well from which water is taken under the right shall be constructed and maintained so that the effect on the surface water source of the use of water from the well will be similar to the use of the original authorized point of diversion.*
6. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
7. *If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the pump, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
8. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer*

application to return to the last authorized surface water point of diversion, the application shall be approved.

9. *When required by the Department, the water user shall install, maintain and operate an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

Dated at Salem, Oregon this _____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

<p>This draft Preliminary Determination was prepared by Doug Parrow. If you have questions about the information in this document, you may reach me at 503-986-0881 or Douglas.M.Parrow@wrdd.state.or.us.</p>
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STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MRS. ETTA METSKER
WALLA WALLA, WA 99362

confirms the right to use the waters of WEST PRONG OF THE LITTLE WALLA WALLA RIVER, tributary to WALLA WALLA RIVER for DOMESTIC, LIVESTOCK and IRRIGATION 20.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 3, at Page 323. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.51 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
6 N	35 E	WM	15	SW SE	Metsker Lateral

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

DOMESTIC				
Twp	Rng	Mer	Sec	Q - Q
6 N	35 E	WM	15	SE NW
6 N	35 E	WM	15	NE SW

LIVESTOCK				
Twp	Rng	Mer	Sec	Q - Q
6 N	35 E	WM	15	SE NW
6 N	35 E	WM	15	NE SW

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
6 N	35 E	WM	15	SE NW	1.3
6 N	35 E	WM	15	NE SW	18.7

This certificate describes that portion of the water right confirmed by Certificate 1771, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered _____, approving Transfer Application T-10381, and together with Certificate ~~xxxxx~~, supersede Cert. 1771.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed _____.

Phillip C. Ward, Director

Ken Dowden

From: Ken Dowden
Sent: Thursday, January 24, 2008 3:19 PM
To: Mike Ladd; 'Tony.G.JUSTUS@wrd.state.or.us'
Subject: meeting to discuss T-10381 (AJ Wentland)

Hello, I'd like to set up a time for us to meet on Monday, Jan. 28th, in which to discuss three issues surrounding this transfer.

- 1) evidence of use statement/interpretation and subsequent WM injury review
- 2) Tom Paul's thinking on meshing the two processes to get this transfer filed [Historic and SW -> GW]
- 3) Findings of Fact language crafted

** WILL BE MEYSER LATERAL, NOT COARK PITCH*

Tony said that he is available all day except early morning.

Let me know. Thanks.

Ken Dowden
N.C. Region Transfer Specialist
Oregon Water Resources Department
116 S.E. Dorion Ave.
Pendleton, Oregon 97801
ph# (541) 278-5456

THIS COPY of 7/28/06 LETTER
PLACED INTO FILE 1/23/08 JD

John Warinner, PE
FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
Phone: 509.529.2646
warinner@gohighspeed.com

July 28, 2006

Oregon Water Resources Department
Attn: Water Rights Section – Transfers
725 Summer Street NE, Suite A
Salem, OR 97301-1266

Re: Application for Water Right Transfer – Change in Point of Diversion/Appropriation – Certificate 1771

OWRD –

The referenced and enclosed Application for Water Right Transfer requests authorization to use a groundwater well as an additional Point of Appropriation for a surface water right that authorizes diversion of water from a stream to which the groundwater well is hydraulically connected. The well has been in use for more than 10 years. Thus, this request is based on the legal authorities contained in both ORS 540.531 and ORS 540.532.

Here are the basic facts supporting this request:

1. The landowner has a water right (Certificate 1771) that authorizes irrigation of the Place of Use using water diverted from the West Prong Little Walla Walla River.
2. Certificate 1771 is a valid water right. In July 2006, OWRD Assistant Watermaster Jim Chambers stated that as far as OWRD is concerned, the water right owner could legally activate a diversion from the authorized point of diversion on the West Prong Little Walla Walla River and apply the water to the authorized place of use.
3. The groundwater well, which is the requested additional authorized Point of Appropriation in the enclosed Application for Water Right Transfer, was constructed in the 1950's by a previous owner of the property.
4. The groundwater well has been consistently used since the 1950's to irrigate the Authorized Place of Use.
5. The groundwater well is located downgradient from the Authorized Point of Diversion as described in Certificate 1771 on the West Prong Little Walla Walla River.
6. The groundwater well is approximately 100 feet deep and draws water from the shallow gravel aquifer in hydraulic connection with both the authorized source (West Prong Little Walla Walla River) and the unlined conveyance ditch used to convey water from the Authorized Point of Diversion to various Authorized Places of Use.
7. The groundwater well clearly appropriates water from a source that is hydraulically connected to – and inseparable from – the source of water authorized under Certificate 1771. In your review of Application G-15835, OWRD stated, "The Department determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely West Prong Little Walla Walla River." In July 2006, OWRD Assistant

John Warinner, PE
FOUNTAINHEAD
1860 Blue Creek Road
Walla Walla, WA 99362
Phone: 509.529.2646
warinner@gohighspeed.com

Watermaster Jim Chambers stated that OWRD already recognizes that this groundwater well is hydraulically connected to the West Prong Little Walla Walla River. For this reason, we have not included further "evidence" of hydraulic connectivity as might otherwise be required under ORS 540.531.


8. Historic use of the groundwater well has improved the overall efficiency of the Clark Ditch system, by capturing some of the seepage from this ditch and reducing the total amount of diversion from the West Prong Little Walla Walla River by a commensurate amount.

In sum, the enclosed Application for Water Right Transfer is based on the combined legal authorities contained in both ORS 540.531 and ORS 540.532. Based on preliminary conversations with various representatives of Oregon Water Resources Department, including discussions between David Filippi with Stoel Rives LLP, legal representative for the Applicant, and Doug Parrow with the OWRD, we understand that there is no legal reason that the two statutes cannot be combined to form the basis of the enclosed transfer request.

Finally, we would also request that the Department consider the enclosed application in the context of the larger picture regarding future management of water in the Walla Walla River system, which is certain to require increasingly integrated management of "surface" and "ground" waters. In this context, water users have begun to replace and augment surface water diversions with hydraulically-connected groundwater wells as a Best Management Practice, and the Department should encourage these efforts in conjunction with seasonal recharge activities and other efforts to replenish hydraulically-connected groundwater aquifers.

Please contact me if you have questions or concerns that I can address to assist your consideration of this Application for Water Right Transfer.

Sincerely,



John Warinner, PE, CWRE

cc: Doug Parrow (OWRD), David Filippi (Stoel Rives)

Enclosures

Ken Dowden

From: Ken Dowden
Sent: Friday, January 25, 2008 8:23 AM
To: Dorothy Pedersen
Subject: RE: T-10381 (A.J. Wentland)

Doug sent me this wording yesterday, and tentatively, Mike and Tony and I will be discussing this language and the whole topic next Monday.

1. Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. Water has been taken from a hydraulically connected well for at least 10 years and also was used from the Metsker Ditch during the last five years. The condition of the diversion facilities at the authorized point of diversion suggests that the facility may not have been regularly used. However, the information in the record is not sufficient to initiate cancellation proceedings under ORS 540.631.

From: Dorothy Pedersen
Sent: Friday, January 25, 2008 7:38 AM
To: Ken Dowden
Cc: Doug Parrow
Subject: RE: T-10381 (A.J. Wentland)

Ken,

Once we've all had a chance to discuss this together, this will be easier to put together, but I believe it will need to state the extent to which water has been diverted from the source listed on the certificate for the lands, the fact that water has been used from the well, whether that is determined to be the "same source", and then state the Department's position on how that relates to the issue of forfeiture.

Hopefully next week you and Doug and I can have a conversation about this one.

Dorothy

From: Ken Dowden
Sent: Thursday, January 24, 2008 8:51 AM
To: Dorothy Pedersen; Doug Parrow
Subject: T-10381 (A.J. Wentland)

Really, one of my big hang-ups on this is how we state in the Findings of Fact below the reality of the prior use:

Transfer Review Criteria [OAR 690-380-4010(2)]

5. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

Ken Dowden
N.C. Region Transfer Specialist
Oregon Water Resources Department
116 S.E. Dorion Ave.
Pendleton, Oregon 97801
ph# (541) 278-5456



Oregon

Theodore R. Kulongoski, Governor

REC'D OCT 09 2007

Ken

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Sarah Henderson
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: *5-22-07*

FROM:

☒ WATERMASTER, DISTRICT # _____
☒ GROUNDWATER SECTION

(SIGNATURE) *Mike Zwart* date signed *10/2/07*
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # *10381*

A change in: POU POD POA USE of water SW to GW

In the name(s) of *AJ Wentland*

In my opinion (assuming the right is valid), the proposed change

☒ MAY BE MADE WITHOUT INJURY ☐ WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

wmtrans.frm

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ground Water files Date: October 2, 2007

From: Michael J. Zwart

Subject: Application Review: T-10381, A. J. Wentland (Surface Water to Ground Water)

I was initially planning to send this application back due to a lack of the required report by a registered geologist and a lack of a well log for the proposed well. However, an identical proposal was reviewed in September 2005 under T-9648, which was filed by the previous property owner. Attached is a copy of my review memo for that application. There is no information in this file to change any of my previous findings. Any related information, such as the report prepared by Jim Graham, can be found in file T-9648.

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Ken Dowden, Transfer Section Date: September 20, 2005

From: Michael J. Zwart

Subject: Application Review: T-9648, Maura Q. McCabe, Surface Water to
Ground Water

This application proposes a transfer from a surface water POD to a ground water POA pursuant to ORS 540.531. The proposed POA is about 2200 feet downstream from the authorized POD and is about 740 feet from the nearest reach of the West Prong Little Walla Walla River, based on the application map. These distances require that evidence prepared by a licensed geologist be submitted that demonstrates that the use of ground water will satisfy specific statutory criteria.

The well construction information is limited for the proposed POA: the estimated well depth is 100 feet and the estimated depth to water-bearing strata is 30 feet. However, review of a nearby application (G-15602) for a well of the same depth listed the source as gravel and two nearby well logs (UMAT 5339 and UMAT 4249). Based on this information, the well very likely produces water from an unconfined to possibly locally weakly semiconfined aquifer developed in sand and gravel. This information is found in my review of file G-15835, which was for the same well.

There appear to be no intervening surface water or ground water rights in the area of the proposal. I find that the proposed change will not result in an enlargement of the original water right or in injury to other water right holders.

The application included a copy of a report by Jim Graham of the Principals Environmental and Water Resources Group (PEG). The report seeks to satisfy the statutory criteria (>50% stream depletion in 10 days of pumping) which would allow the approval of the transfer. Unfortunately, the report concludes that the stream depletion caused by pumping of the subject well will only be 30.3 % after 30 days. However, the report also places the well at a distance of 1260 feet from the nearest reach of the river, rather than the estimated distance of 740 feet based on the application map. This distance agrees well with the earlier review of G-15835. I therefore made the necessary adjustments and used our version of the Jenkins/Hunt model to estimate stream depletion.

I find that the proposed POA will affect the surface water source similarly to the authorized POD. The attached output from an analytical model commonly used by Ground Water staff indicates that the use of the proposed POA would result in about 54 percent stream depletion after ten days of continuous pumping.

WEST PRONG

	A	B	C	D	E	F	G	H	I
1	Priority Date	Water Right	Water Right Name	Property Owner	Location	Acres	Rate	POD	Comments
2	1881	D-1772	Penny, Wm	Mercer, Arthur	6-35-23C-1000	6.5	0.14	SPG	Source spring/NU Well
3	1895	D-1763	Haasch, Julius	Rothrock, Douglas	6-35-22D-100	7	0.09	SPG	Spring Branch POD
4	1895	D-1763	Haasch, Julius	Eiffert-trust, Lowell	6-35-22A-600	part		SPG	Spring Branch POD
5	1906	D-1761	Daves, EJ	McDonald, Marla	6-35-22D-500	2	0.03	SPG	2.0 ac Irrigation Spring is source
6	1908	D-1761	Daves, EJ	Johnson, Jeffrey	6-35-22D-501	part		SUB IRR	38 acres sub Irr-0.48cfs if needed?
7	1908	D-1761	Daves, EJ	McDonald, Marla	6-35-22D-500	38		SUB IRR	38 acres sub Irr-0.48cfs if needed?
8	1908	D-1777	Saylor, JB	Ostby, Trudy	6-35-23C-1401			SUB/IRR	Sub/Irr - .38cfs if sub not avail?
9	1908	D-1777	Saylor, JB	Tucker, Stanley	6-35-23C-1400	30		SUB/IRR	Sub/Irr - .38cfs if sub not avail?
10	1881	D-1734	Winn, A	Wallan, Robert	6-35-22D-202	1	0.02	WP1	priority date split?
11	1881	D-1734	Winn, A	Miller, John & Lucile	6-35-22D-400	part		WP1	
12	1885	D-1763	Haasch, Julius	Rothrock, Douglas	6-35-22D-100	7	0.09	WP1	
13	1885	D-1763	Haasch, Julius	Miller, David	6-35-22D-101	part		WP1	TL 101 = 0.90 acres
14	1885	D-1763	Haasch, Julius	Eiffert-trust, Lowell	6-35-22A-600	part		WP1	TL in both SE/NE and NE/SE
15	1885	D-1764	Haasch, JE	Eiffert-trust, Lowell	6-35-22A-600	7	0.09	WP1	
16	1895	D-1764	Haasch, JE	Eiffert-trust, Lowell	6-35-22A-600	2	0.03	WP1	
17	1895	D-1786	Williams, Loretta	Erm, Rene'	6-35-22A-500	6	0.1	WP1	
18	1895	D-1786	Williams, Loretta	Eiffert-trust, Lowell	6-35-22A-600	part		WP1	
19	1901	D-1763	Haasch, Julius			power	1	WP1	NU
20	1901	D-1763	Haasch, Julius	Eiffert-trust, Lowell	6-35-22A-600			WP1	Tax lot in both SE/NE and NE/SE
21	1901	D-1763	Haasch, Julius	Rothrock, Douglas	6-35-22D-100	9	0.14	WP1	
22	1901	D-1763	Haasch, Julius	Miller, David	6-35-22D-101,300	2		WP1	TL 101 = 0.90 acres
23	1901	D-1763	Haasch, Julius	Miller, David	6-35-22D-300	2		WP1	TL 300 = 2.0 acres of WR
24	1902	C-81215	Chastain, Mrs WJ	Burwell, William	6-35-22A-105	7.99	0.2	WP1	1759
25	1902	C-81215	Chastain, Mrs WJ	Grabner, Devin	6-35-22A-112	part		WP1	1759
26	1902	D-1786	Williams, Loretta	Erm, Rene'	6-35-22A-500	9	0.15	WP1	NU
27	1902	D-1786	Williams, Loretta	Eiffert-trust, Lowell	6-35-22A-600	part		WP1	
28	1903	D-1734	Winn, A	Miller, John & Lucile	6-35-22D-400	part		WP1	priority date split?
29	1903	D-1734	Winn, A	Wallan, Robert	6-35-22D-202	6.5	0.09	WP1	
30	1907	D-1734	Winn, A	Wallan, Robert	6-35-22D-202	2	0.03	WP1	priority date split?
31	1907	D-1734	Winn, A	Miller, John & Lucile	6-35-22D-400	part		WP1	
32	1982	C-56281	Vermeul, John	Burwell, William	6-35-22A-105	1.6	0.04	WP1	1982- 06/07
33	1983	C-56515	Eiffert, Lowell	Eiffert-trust, Lowell	6-35-22A-600	.5p/25.3s	0.28	WP1	Supp 25.3 acres/prime 0.5 acres
34	1894	D-1770	Knopf, C	Knopf, Alvin	6-35-15C-500	14	0.18	WP10	NU, 14 acres 1894
35	1902	D-1770	Knopf, C	Knopf, Alvin	6-35-15C-500	6	0.08	WP10	NU, 6 acres in WA 1902
36	1900	D-1769	Kintner, WH	Eiffert, David	6-35-15D-400			WP11	Canceled V49 Pg320

WEST PRONG

	A	B	C	D	E	F	G	H	I
37	1894	D-1766	Hendrickson, JO	Fortune, Mark	6-35-15C-600/700	17.35	0.23	WP11A	See permit #S12762 same lands
38	1894	D-1766	Hendrickson, JO	Samitore, Samuel	6-35-15C-800	5.4	0.07	WP11B	See permit #S12762 same lands
39	1894	D-1757	Calhoon, Geo E	Demotts-Family, LLC	6-35-15C-900/901	10	0.13	WP12	c/o Pam Robison
40	1894	D-1757	Calhoon, Geo E	Regalado, Joseph	6-35-15C-902	part		WP12	
41	1895	D-1756	Binford, JF	Washington pou		9	0.23	WP12?	NU-Winter Irr.
42	1966	C-38869	Miller, John	Miller, John	6-35-22A-401	40.5	0.54	WP2	Supp may use to save GW, Date?
43	1966	C-38869	Miller, John	Miller, David	6-35-22D-300	part		WP2	0.05 cfs 5/23/1966 split?
44	1883	D-1781	Thompson, Jas	James, Matthew	6-35-22B-401/406	13	0.3	WP3	
45	1883	D-1781	Thompson, Jas	Holden, David	6-35-22B-400	part		WP3	
46	1892	D-1786	Williams, Loretta	Jones, Ronald	6-35-22A-300	10	0.17	WP3	1892- 04/30
47	1892	D-1786	Williams, Loretta	Burris, Ed	6-35-22A-400	part		WP3	1892- 04/30
48	1892	D-1786	Williams, Loretta	Arevalo, Gabriel	6-35-22A-402	part		WP3	1892- 04/30
49	1895	D-1758	Clark, FB	Leber, John	6-35-22B-200	4.5	0.11	WP3	1895- 04/30
50	1895	D-1767	Hirst, Mrs Helen	Leber, John	6-35-22B-201	7.5	0.16	WP3	1895- 04/30
51	1895	D-1767	Hirst, Mrs Helen	Buchanan, Norma	6-35-22B-100	part		WP3	1895-4/30, NU
52	1895	D-1785	Watson, CC	Leber, John	6-35-22B-300	3	0.07	WP3	
53	1902	D-1758	Clark, FB	Leber, John	6-35-22B-200	4.5	0.11	WP3	
54	1904	D-1785	Watson, CC	Leber, John	6-35-22B-300	3	0.07	WP3	
55	1904	D-1786	Williams, Loretta	Jones, Ronald	6-35-22A-300	9	0.15	WP3	
56	1904	D-1786	Williams, Loretta	Burris, Ed	6-35-22A-400	part		WP3	
57	1904	D-1786	Williams, Loretta	Arevalo, Gabriel	6-35-22A-402	part		WP3	
58	1907	D-1767	Hirst, Mrs Helen	Leber, John	6-35-22B-201	4	0.09	WP3	
59	1907	D-1767	Hirst, Mrs Helen	Buchanan, Norma	6-35-22B-100	part		WP3	NU
60	1946	C-20836	Parent, Frank J	Widmer, Dennis	6-35-22B-402	6.5	0.16	WP3	1946- 04/08
61	1946	C-20836	Parent, Frank J	Haney, Ronald	6-35-22B-404	3.5	0.09	WP3	1946- 04/08
62	1977	C-46631	Parent, Edna T	Haney, Ronald	6-35-22B-404	10	0.25	WP3	1/5/1977
63	1886	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-201	19	0.48	WP4B	1759
64	1886	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-200	part		WP4B	1759
65	1886	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-202	part		WP4B	NU, 1759
66	1890	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-201	8.29	0.2	WP4B	1759
67	1890	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-200	part		WP4B	1759
68	1890	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-202	part		WP4B	NU, 1759
69	1890	D-1760	Chastain, EJ	Dial, Joseph	6-35-15D-800	3	0.08	WP4B	NU
70	1890	D-1760	Chastain, EJ	Waliser, Jim	6-35-15D-900	part		WP4A	
71	1895	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-201	9.5	0.25	WP4B	1759
72	1895	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-200	part		WP4B	1759

WEST PRONG

	A	B	C	D	E	F	G	H	I
73	1895	C-81215	Chastain, Mrs WJ	Ely, James	6-35-22A-202	part		WP4B	NU, 1759
74	1897	D-1755	Babcock, DH	Vonderahe, Charles	6-35-15D-700/701	7.5	0.2	WP4B	1897-2/28, NU, priority date split?
75	1897	D-1782	Ulstrup, L	Waliser, James	6-35-15D-500	3	0.09	WP4A	
76	1897	D-1782	Ulstrup, L	Perkins, William	6-35-15D-600	part		WP4A	
77	1898	D-1762	Davis, CW	Waliser, James	6-35-15D-500	9.5	0.29	WP4A	1898- 04/30
78	1900	D-1760	Chastain, EJ	Dial, Joseph	6-35-15D-800	6	0.15	WP4B	NU
79	1900	D-1760	Chastain, EJ	Waliser, Jim	6-35-15D-900	part		WP4A	
80	1902	T-8575	Chastain, Mrs WJ	Waliser, Jim	6-35-22A-100	19.01	0.48	WP4A	POD Trans, 1759
81	1908	D-1755	Babcock, DH	Vonderahe, Charles	6-35-15D-700/701	2	0.05	WP4B	NU, priority date split?
82	1908	D-1782	Ulstrup, L	Waliser, James	6-35-15D-500	7	0.22	WP4A	
83	1908	D-1782	Ulstrup, L	Alejandro, Eliseo	6-35-15D-600	part		WP4A	NU
84	1886	D-1768	Jensen, EP	Roloff, Martha	6-35-15C-1300	10	0.23	WP5A	
85	1886	D-1774	Preas, Fred	Rencken, Don	6-35-15C-1100	3	0.06	WP5A	
86	1886	D-1774	Preas, Fred	Mathis, Edwin	6-35-15C-1200	part		WP5A	
87	1886	D-1774	Preas, Fred	Anderson, Harold	6-35-15C-1202/1203	part		WP5A	
88	1902	D-1774	Preas, Fred	Rencken, Don	6-35-15C-1100	21	0.44	WP5A	
89	1902	D-1774	Preas, Fred	Mathis, Edwin	6-35-15C-1200	part		WP5A	
90	1902	D-1774	Preas, Fred	Anderson, Harold	6-35-15C-1202/1203	part		WP5A	
91	1892	D-1775	Riggle, Dennis	Green, Jack	6-35-15C-1800	5	0.12	WP5B	
92	1892	D-1775	Riggle, Dennis	Coronado, Ofelia	6-35-15C-2000	part		WP5B	
93	1892	D-1775	Riggle, Dennis	Hahn, Jerry	6-35-15C-1801	part		WP5B	
94	1892	D-1775	Riggle, Dennis	Dodd, Cheryl	6-35-15C-1900	part		WP5B	
95	1893	D-1778	Simmons, LW	Johnson, Hulette	6-35-15C-1400	9.75	0.25	WP5B	
96	1902	D-1775	Riggle, Dennis	Green, Jack	6-35-15C-1800	4.5	0.11	WP5B	
97	1902	D-1775	Riggle, Dennis	Coronado, Ofelia	6-35-15C-2000	part		WP5B	
98	1902	D-1775	Riggle, Dennis	Dodd, Cheryl	6-35-15C-1900	part		WP5B	
99	1902	D-1775	Riggle, Dennis	Hahn, Jerry	6-35-15C-1801	part		WP5B	
100	1890	D-1771	Metsker, Mrs Etta	Wentland, AJ	6-35-15C-100	39	1	WP6	renter-AJ Wentland
101	1890	D-1771	Metsker, Mrs Etta	Dial, Robert	6-35-15C-202/203	part		WP6	NU
102	1890	D-1771	Metsker, Mrs Etta	Gibbs, Elsie	6-35-15C-200/201	part		WP6	
103	1895	D-1765	Heilman, GF	Tilley, Nick	6-35-15C-300	7	0.18	WP6	
104	1895	D-1765	Heilman, GF	Pratt, Robert	6-35-15C-400	part		WP6	
105	1904	D-1765	Heilman, GF	Tilley, Nick	6-35-15C-300	2.5	0.06	WP6	
106	1904	D-1765	Heilman, GF	Pratt, Robert	6-35-15C-400	part		WP6	
107	1890	D-1779	Simmons, AW	Beck, Marion	6-35-15C-1700	10	0.25	WP7	renter-Beverly Inscore
108	1890	D-1779	Simmons, AW	Beck, Marion	6-35-15C-1700	power	3	WP7	NU

WEST PRONG

	A	B	C	D	E	F	G	H	I
109	1895	D-1783	Vajle, Nettie Brand	Beck, Marion	6-35-15C-1500	5	0.12	WP7	
110	1895	D-1784	Waggoner, CS	Roemer, Harold	6-35-15C-1600	5	0.12	WP8	
111	1894	D-1776	Sayer, Ada E	Johnson, James	6-35-15C-1000	35	0.56	WP9	
112	1895	D-1780	Smuckal, WE	Rencken, Rudolph	6-35-16-200	10	0.15	WP9	
113	1895	D-1780	Smuckal, WE	Doherty, Art	6-35-16-100	part		WP9	
114	1900	D-1780	Smuckal, WE	Rencken, Rudolph	6-35-16-200	5	0.07	WP9	
115	1900	D-1780	Smuckal, WE	Doherty, Art	6-35-16-100	part		WP9	
116	1906	D-1780	Smuckal, WE	Rencken, Rudolph	6-35-16-200	14	0.2	WP9	
117	1906	D-1780	Smuckal, WE	Doherty, Art	6-35-16-100	part		WP9	
118	1903	D-1777	Sayer, JB	Tucker, Stanley	6-35-23C-1400	1	0.02		NU/WELL
119	1903	D-1777	Saylor, JB	Ostby, Trudy	6-35-23C-1401	part			NU/WELL
120	1907	D-1773	Powell, WL	Hohn, Eugene	6-35-26B-400	1	0.02		1.0 acre NU