

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

In the Matter of Transfer Application)
T-9911, Umatilla County)
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PRELIMINARY DETERMINATION
PROPOSING APPROVAL TO CHANGE
FROM A SURFACE WATER POINT OF
DIVERSION TO A GROUNDWATER
POINT OF APPROPRIATION

Authority

ORS 540.505 to 540.580 establish 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

JOHN O. AND LLOYDENE GRIFFITTS
104 HARRISON DRIVE
UMATILLA, OREGON 97882

Findings of Fact

1. On April 18, 2005, John O. and Lloydene Griffitts filed a transfer application to change the point of diversion for lands described under a portion of Certificate 48483 to a hydraulically connected well under OAR 690-380-2130. The Department assigned the application number T-9911.
2. On July 1, 2005, an amendment to the application and associated maps were submitted. The purpose of the amendment and maps was to more clearly identify the tax lots and the acres associated with them.
3. The portion of the right to be transferred is as follows:

Certificate: 48483, in the name of the Stanfield School District #61
Use: Irrigation of 2.2 acres
Priority Date: June 16, 1971
Quantity: 0.03 cubic foot per second (cfs)
Rate & Duty: One-fortieth of one cfs per acre, limited to a diversion of not to exceed 4.5 acre-feet per acre irrigated during the irrigation season of each year
Source: Stanfield Drain, tributary to the Umatilla River

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
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Authorized Point of Diversion:

TWP	RNG	MER	SEC	¼ ¼	Survey Coordinates
4 N	29 E	W.M.	32	NW SW	500 feet South and 200 feet West from the NE Corner of the NW¼ SW¼ of Section 32

Authorized Place of Use:

TWP	RNG	MER	SEC	¼ ¼	Acres
4 N	29 E	W.M.	32	NW SW	2.2

4. Transfer Application T-9911 proposes to change the point of diversion for the above described 2.2 acres (Tax Lot 1101), approximately 180 feet in a northwesterly direction to a shallow, hydraulically connected well located:

TWP	RNG	MER	SEC	¼ ¼	Survey Coordinates
4 N	29 E	W.M.	32	NW SW	300 feet South and 320 feet West from the NE Corner of the NW¼ SW¼ of Section 32

5. Notice of the application for transfer was published on May 17, 2005, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
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 result in a greater than 50 percent stream depletion in less than 10 days, thereby affecting the surface water source similarly to the authorized point of diversion, in accordance with OAR 690-380-2130(2)(c) and (11)(b)
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-9911 appears to be consistent with the requirements of ORS

540.505 to 540.580 and OAR 690-380-5000, and will be approved provided that protests are not filed pursuant to OAR 690- 380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. Upon the issuance of a final order approving Transfer Application T-9911, Certificate 48483 will be cancelled. A new certificate will be issued describing that portion of the right not modified in this transfer.
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 48483 and any related decree.
3. The well from which water is taken under the right shall be constructed so that the use of the well will affect the surface water source similarly to the use of the original authorized point of diversion.
4. 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.
5. 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.
6. 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.
7. 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.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
9. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 27th day of October, 2006.



Phillip C. Ward, Director *PCW*

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271.

This Preliminary Determination was prepared by Susan Douthit. If you have questions about the information in this document, you may reach me at (503) 986-0858 or Susan.M.Douthit@wrdd.state.or.us.