

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

In the Matter of Transfer Application)
T-10272, Harney County)
)
)

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN POINT OF
APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Joseph C. Williams
70785 OLD EXPERIMENT STATION
BURNS OR 97720

Findings of Fact

Background

1. On November 29, 2006, Joseph C. Williams filed an application to change the point of appropriation under Certificate 20705. The Department assigned the application number T-10272.
2. The right to be transferred is as follows:

Certificate: 20705 in the name of Harney Branch Experiment Station (perfected under Permit U-58)

Use: IRRIGATION of 179.67 ACRES

Priority Date: JULY 27, 1931

Rate: 2.25 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre

Source: TWO WELLS

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q
23 S	32 E	WM	7	NW SW
23 S	32 E	WM	7	SW SE

Authorized Place of Use:

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.

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	32 E	WM	7	NE SW		40.00
23 S	32 E	WM	7	NW SW	3	31.22
23 S	32 E	WM	7	SW SW	4	28.45
23 S	32 E	WM	7	SE SW		40.00
23 S	32 E	WM	7	SW SE		40.00
					Total	179.67

3. Certificate 20705 does not accurately describe the location of the points of appropriation, however specific information is available from the transfer application map indicating that the points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
23 S	32 E	WM	7	NE SW	WELL 1 - 2025 FEET NORTH AND 1235 FEET EAST FROM THE SW CORNER, SEC. 7
23 S	32 E	WM	7	SWSE	WELL 2 - 858 FEET NORTH AND 2364 FEET EAST FROM THE SW CORNER, SEC. 7

4. Application T-10272 proposes to move the authorized points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
23 S	32 E	WM	7	NE SW		WELL 1 - 2025 FEET NORTH AND 1235 FEET EAST FROM THE SW CORNER OF SECTION 7
23 S	32 E	WM	7	SW SW	4	WELL 3 - 734 FEET NORTH AND 268 FEET EAST FROM THE SW CORNER OF SECTION 7

5. Notice of the application for transfer was published on December 19, 2006, pursuant to 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 rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10272.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.


Determination and Proposed Action

The changes in point of appropriation proposed in application T-10272 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10272 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in application T-10272 is approved.*
- 2. Water right Certificate 20705 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 20705 and any related decree.*
- 4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
- 5. The quantity of water diverted at the new point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 6. 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.*
- 7. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. 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.*
- 8. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 7th day of June 2007.



Phillip C. Ward, Director

This Preliminary Determination was prepared by Jason Spriet. If you have any questions about the information in this document, you may reach me at (541) 523-8224 or Jason.D.Spriet@wrd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1266.