



**Authorized Place of Use:**

RESIDENTIAL / MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
5 N	28 E	WM	34	SE NE
5 N	28 E	WM	34	NE SE

3. Certificate 24583 describes the authorized point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	28 E	WM	34	SE NE	150 Feet North and 75 West from the E $\frac{1}{4}$ Corner of Section 34

which was based on a plat map from 1953. However, information contained on the new transfer application map, prepared from a more accurate survey by a Certified Water Rights Examiner (CWRE) in 2006, indicates the original existing well is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	28 E	WM	34	SE NE	170 Feet North and 110 West from the E $\frac{1}{4}$ Corner of Section 34

4. Application T-10236 proposes to add an additional point of appropriation to the above described water right located:

**Proposed Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	28 E	WM	34	SE NE	230 Feet North and 80 West from the E $\frac{1}{4}$ Corner of Section 34

5. The second right to be transferred is as follows:

**Certificate:** 63693 in the name of NORTH HILL WATER CORPORATION (perfected under Permit G-9854)

**Use:** DOMESTIC USE FOR 32 FAMILIES INCLUDING THE IRRIGATION OF UP TO ONE-HALF ACRE LAWN AND NON-COMMERCIAL GARDEN FOR EACH

**Priority Date:** April 2, 1982

**Rate:** 0.07 CUBIC FOOT PER SECOND (CFS)

**Source:** A WELL within the UMATILLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	28 E	WM	34	SE NE	240 Feet North and 610 West from the E $\frac{1}{4}$ Corner of Section 34

**Authorized Place of Use:**

DOMESTIC - 32 FAMILIES + $\frac{1}{2}$ ACRE LAWN & GARDEN FOR EACH				
Twp	Rng	Mer	Sec	Q-Q
5 N	28 E	WM	34	SE NE
5 N	28 E	WM	34	NE SE

6. Certificate 63693 describes the authorized point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	28 E	WM	34	SE NE	240 Feet North and 610 West from the E¼ Corner of Section 34

which was based on a plat map from 1953. However, information contained on the new transfer application map, prepared from a more accurate survey by a Certified Water Rights Examiner (CWRE) in 2006, indicates the original existing well is located as follows:

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	28 E	WM	34	SE NE	260 Feet North and 630 West from the E¼ Corner of Section 34

7. Application T-10236 proposes to add an additional point of appropriation to the above described water right located:

**Proposed Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
5 N	28 E	WM	34	SE NE	230 Feet North and 80 West from the E¼ Corner of Section 34

8. Notice of the application for transfer was published on September 12, 2006, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

9. 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.

10. Two wells, pumps, pipeline, and community water system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10236.

11. The proposed change would not result in enlargement of the rights.

12. 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-10236 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-10236 is approved, the final order will include the following:*

1. *The changes in point of appropriation proposed in application T-10236 are approved.*
2. *Water right certificates 24583 and 63693 are 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 Certificates 24583, 63693 and any related decree.*
4. *Water from the new proposed well shall be acquired from the same aquifer (water source) as the original points of appropriation.*
5. *The quantity of water diverted at the additional 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. *Prior to diverting water, the water user shall install 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 water user shall maintain and operate the measuring device as required by the Department.*
7. *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.*
8. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 4<sup>th</sup> day of June 2007.

  
Phillip C. Ward, Director

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

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@wrdd.state.or.us.