

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

In the Matter of Transfer Application                    )    PRELIMINARY DETERMINATION  
T-10374, Umatilla County                                )    PROPOSING APPROVAL OF A  
  )    CHANGE IN POINTS 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**

LIEUALLEN RANCH, INC.  
P.O. BOX 35  
ADAMS, OREGON 97810

**Findings of Fact**

**Background**

1. On April 20, 2007, Lieuallen Ranch, Inc., filed an application to change the points of appropriation under Certificates 40900 and 40891. The Department assigned the application number T-10374.

2. The first right to be transferred is as follows:

**Certificate:** 40900 in the name of Lieuallen Ranch, Inc., (perfected under Permit G-3770)

**Use:** Irrigation of 159.3 acres

**Priority Date:** August 3, 1967

**Rate:** 0.84 cubic foot per second (cfs)

**Limit/Duty:** ONE-EIGHTIETH of one cubic foot per second per acre, limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

**Source:** A well within the Wildhorse Creek Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	34 E	WM	3	NW SE	(UMAT 1434) - 2340 feet North and 2220 feet West from the SE Corner of Section 3

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.

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q - Q	Acres
3 N	34 E	WM	10	NE NE	39.6
3 N	34 E	WM	10	NW NE	39.7
3 N	34 E	WM	10	SW NE	40.0
3 N	34 E	WM	10	SE NE	40.0

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

**Certificate:** 40891 in the name of Lieuallen Ranch, Inc., (perfected under Permit G-2798)

**Use:** Irrigation of 278.1 acres

**Priority Date:** December 21, 1964

**Rate:** 0.84 cubic foot per second (cfs)

**Limit/Duty:** ONE-EIGHTIETH of one cubic foot per second per acre, limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

**Source:** A well within the Wildhorse Creek Basin

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	34 E	WM	3	NW SE	(UMAT 1434) - 2340 feet North and 2220 feet West from the SE Corner of Section 3

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	G Lot	Acres
3 N	34 E	WM	3	NE SW		38.9
3 N	34 E	WM	3	NW SW	6	16.6
3 N	34 E	WM	3	SW SW		37.8
3 N	34 E	WM	3	SE SW		40.0
3 N	34 E	WM	3	NE SE		30.8
3 N	34 E	WM	3	NW SE		33.6
3 N	34 E	WM	3	SW SE		40.0
3 N	34 E	WM	3	SE SE		40.4

4. Application T-10374 proposes to change the point of appropriation of both water rights approximately 3100 feet southeast to a well located:

Twp	Rng	Mer	Sec	Q - Q	Survey Coordinates
3 N	34 E	WM	3	SE SE	(UMAT 1428) - 80 feet North and 20 feet West from the SE Corner of Section 3

5. Notice of the application for transfer was published on May 1, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

***Transfer Review Criteria (OAR 690-380-4010)***

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. The Department has determined that the proposed point of appropriation (UMAT 1428) will develop the same source of water as the authorized point of appropriation (UMAT 1434), being the same well for both rights described in Findings of Fact No. 2 and 3 above.
8. A well, pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under both existing rights were present within the five-year period prior to submittal of Application T-10374.
9. On January 18, 2008, the Department issued a draft of the preliminary determination proposing to approve Transfer Application T-10374. The draft Preliminary Determination requested written response from the applicant as to whether the draft is consistent with their intent in seeking the transfer. On January 22, 2008, the Department received written response from the applicant requesting that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
10. The proposed change would not result in enlargement of the rights.
11. The proposed changes would not result in injury to other water rights.

**Determination and Proposed Action**


The change in points of appropriation proposed in application T-10374 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10374 is approved, the final order will include the following:*

1. *The change in points of appropriation proposed in application T-10374 is approved.*
2. *Water right certificates 40900 and 40891 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 40900 and 40891 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation (UMAT 1434).*
5. *The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*

6. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be 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, 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 changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 14 day of February 2008.

  
Phillip C. Ward, Director  
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This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at (503)-986-0886 or Patrick.K.Starnes@wrdd.state.or.us.

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