

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

In the Matter of Transfer Application                    )  
T-10056, Umatilla County                                    )  
  )  
  )     **PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF A  
ADDITIONAL POINTS OF  
APPROPRIATION**

ORS 537.705 and 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of appropriation, 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**

RICK and ROBIN TRUMBULL  
53377 ROBIN LANE  
MILTON-FREEWATER, OR 97862

**Findings of Fact**

1. On December 29, 2005, Rick and Robin Trumbull filed a transfer application for additional points of appropriation under Certificates 46353 and 46355. The Department assigned the application number T-10056.
2. The portion of the first right to be transferred is as follows:

**Certificate:** 46353 in the name of STAN PAVISH (perfected under Permit G-5460)  
**Use:** IRRIGATION of 4.6 ACRES and SUPPLEMENTAL IRRIGATION of 5.5 ACRES  
**Priority Date:** September 17, 1971  
**Rate:** 0.13 CUBIC FOOT PER SECOND (CFS)  
**Limit/Duty:** ONE-EIGHTIETH of ONE CUBIC FOOT PER SECOND per acre, not to exceed 3.0 acre-feet per acre irrigated during the irrigation season of each  
**Source:** A WELL within the EAST PRONG OF THE WALLA WALLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	23	SE SW	760 FEET NORTH AND 2300 FEET EAST FROM THE SW CORNER OF SECTION 23

<b>Authorized Place of Use - Primary Irrigation</b>					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	23	SE SW	4.6

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 transfer application and preliminary determination.

Authorized Place of Use – Supplemental Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	23	SE SW	5.5

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

**Certificate:** 46355 in the name of STAN PAVISH (perfected under Permit G-6153)

**Use:** IRRIGATION of 9.6 ACRES

**Priority Date:** May 29, 1974

**Rate:** 0.12 CUBIC FOOT PER SECOND (CFS)

**Limit/Duty:** ONE-EIGHTIETH of one cfs, not to exceed 3.0 acre-feet per acre irrigated during the irrigation season of each year

**Source:** A WELL within the EAST PRONG of the WALLA WALLA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	23	SE SW	760 FEET NORTH AND 2300 FEET EAST FROM THE SW CORNER OF SECTION 23

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	23	SE SW	9.6

4. Application T-10056 proposes to add an additional point of appropriation for the above described rights approximately 400 feet southwest from the original well located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 N	35 E	WM	23	SE SW	570 FEET NORTH AND 720 FEET WEST FROM THE S¼ CORNER OF SECTION 23

5. Notice of the application for transfer was published on January 10, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
6. The additional point of appropriation will be in alluvial sand and gravel, as is the original point of appropriation.
7. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
9. The proposed changes would not result in enlargement of the rights.
10. The proposed changes would not result in injury to other water rights.

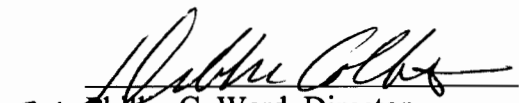
### Determination and Proposed Action

The proposed changes in application T-10056 appear to be consistent with the requirements of ORS 537.705, 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. 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 46353 and 46355 and any related decree.
2. 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.
3. Upon the issuance of a final order approving Transfer Application T-10056, water right Certificates 46353 and 46355 will be cancelled.
4. Water at the additional point of appropriation shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. When required by the Department, the water user shall install and maintain an in-line flow meter, weir, 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. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 15<sup>th</sup> day of May 2007.

  
Phillip C. Ward, Director

*Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, 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@wrд.state.or.us](mailto:Ken.D.DOWDEN@wrд.state.or.us).