BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10133, Umatilla County)	PROPOSING AN ADDITIONAL 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

KENNETH L. & KAREN M. FALK 6056 EIGHTMILE RD. THE DALLES, OR 97058

Findings of Fact

- 1. On April 10, 2006, Kenneth L. & Karen M. Falk filed an application to add an additional point of appropriation (well) to an existing water right, Certificate 62011. The Department assigned the application number T-10133.
- 2. The right to be transferred is as follows:

Certificate: 62011 in the name of KENNETH L. FALK (perfected under Permit G-9527)
Use: SUPPLEMENTAL IRRIGATION OF 2.9 ACRES
Priority Date: July 16, 1981
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 year

Rate: 0.04 CUBIC FOOT PER SECOND (CFS)

Source: A WELL within the EIGHTMILE CREEK BASIN

Authorized Point of Appropriation:

[Twp	Rng	Rng Mer		Q-Q	Survey Coordinates
	1 S	13 E	WM	11	SW SW	760 Feet North and 350 East from
						the SW Corner of Section 11

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
1 S	13 E	WM	11	SW SW	2.9

3. Application T-10133 proposes to add an additional point of appropriation to the above described water right located approximately 60 feet southeast located:

Proposed Point of Appropriation:

[Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
	1 S	13 E	WM	11	SW SW	723 Feet North and 347 East from the SW Corner of Section 11

- 4. Notice of the application for transfer was published on May 2, 2006, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 5. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 6. A well, pump and pipeline sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Application T-10133.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in proposed in application T-10133 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-10133 is approved, the final order will include the following:

- 1. The additional point of appropriation proposed in application T-10133 is approved.
- 2. Water right certificate 62011 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 62011 and any related decree.
- 4. Water from the new proposed well 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, maintain and operate an inline 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 change 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 change is received, a new certificate confirming the right transferred will be issued.

2007.

Phillip C. Ward, Director

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@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.