

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

In the Matter of Transfer Application) PRELIMINARY DETERMINATION
T-11079, Harney County) PROPOSING APPROVAL OF AN
) ADDITIONAL POINT OF
) APPROPRIATION AND CHANGE IN
) PLACE OF USE

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

Wayne and Susan Singhose
62500 County Line Rd
Bend, Oregon 97701

Agent

Anderson Engineering & Surveying Inc.
Darryl Anderson
P.O. BOX 28
Lakeview, OR 97630

Findings Of Fact

Background

1. On May 24, 2010, Wayne and Susan Singhose filed an application for an additional point of appropriation and change in place of use, under Certificate 82605. The Department assigned the application number T-11079.
2. The portion of the right to be transferred is as follows:

Certificate: 82605 in the name of Glen Chowning (perfected under Permit G-10106)

Use: IRRIGATION of 17.74 ACRES

Priority Date: MAY 26, 1983

Rate: 0.22 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: A WELL in the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	30 E	WM	36	SE NE	1320 FEET SOUTH AND 1350 FEET WEST FROM THE N1/4 CORNER OF SECTION 36

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:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	30 E	WM	36	SW NE	9.65
25 S	30 E	WM	36	SE NE	8.09

3. Application T-11079 proposes to add a point of appropriation approximately 794 feet west from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	30 E	WM	36	NW NE	1361.09 FEET SOUTH AND 2144.48 FEET WEST FROM THE NE CORNER OF SECTION 36

4. Application T-11079 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	30 E	WM	36	NE NE	13.27
25 S	30 E	WM	36	NW NE	4.47

5. Notice of the application for transfer was published on June 1, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On July 28, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11079 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of August 28, 2010, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is 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 right was present within the five-year period prior to submittal of Transfer Application T-11079.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The additional point of appropriation and change in place of use proposed in Transfer Application T-11079 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-11079 is approved, the final order will include the following:

1. *The additional point of appropriation and change in place of use proposed in application T-11079 are approved.*
2. *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 82605 and any related decree.*
3. *Water right certificate 82605 is cancelled. A new certificate will be issued describing portion of the right not affected by this transfer.*
4. *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.*
5. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or with prior approval of the Director, another suitable measuring device, at each point of appropriation.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change(s) and full beneficial use of the water.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 31 day of August 2010.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrд.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.