

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	15 W	WM	2	NE SE	3790 FEET SOUTH AND 140 FEET WEST FROM THE NE CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	2	SE NE	3.0

3. Transfer Application T-11104 proposes to change the place of use of the right within Section 2:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
30 S	15 W	WM	2	SE NE	3.0

4. Notice of the application for transfer was published on July 13, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On August 18, 2010, the Department mailed a copy of the Preliminary Determination proposing to approve Transfer Application T-11104 to the applicant. The Preliminary Determination cover letter set forth a deadline of September 17, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and submitted documentation regarding ownership of the land involved in the transfer. The applicant requested the Department place Transfer Application T-11104 on administrative hold for 90 days.
6. On October 25, 2010, an Affidavit Consenting to Proposed Water Right Transfer was received from Robin K. Bussmann, demonstrating the applicant is authorized to pursue the transfer.
7. On November 1, 2010, the applicant submitted an amended map clarifying the acreage to be transferred.

Transfer Review Criteria [OAR 690-380-4010(2)]

8. 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.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11104.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Determination and Proposed Action


The change in change in place of use proposed in Transfer Application T-11104 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11104 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-11104 is 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 64844 and any related decree.*
- 3. Water right certificate 64844 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
- 5. The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*
- 6. The former place of use of the transferred right shall no longer receive water under the right.*
- 7. The approved change 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 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.*

Dated at Salem, Oregon this 3 day of November, 2010.


Dwight Hensch for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@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.