



**Source:** WELL 3 within the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	11	SW NE	30 FEET NORTH AND 780 FEET EAST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 11

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	11	SW NE	4.0
28 S	16 E	WM	11	SE NE	4.0

4. Transfer Application T-11145 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	11	NW SE	8.0

5. Notice of the application for transfer was published on October 19, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On November 23, 2010, the department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11145 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 23, 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 applicant is 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 were present within the five-year period prior to submittal of Transfer Application T-11145.
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.

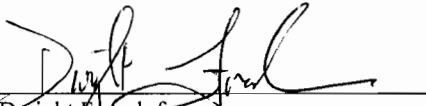
**Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-11145 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 Transfer Application T-11145 is approved, the final order will include the following:*

- 1. The change in place of use proposed in Transfer Application T-11145 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 52785 and any related decree.*
- 3. Water right certificate 52785 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. 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 meter or measuring device in good working order.*
  - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 5. The former place of use of the transferred right shall no longer receive water under the right.*
- 6. 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.*
- 7. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 13 day of December, 2010.

  
Dwight French 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@ wrd.state.or.us](mailto:Teri.K.Hranac@ wrd.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.