

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

In the Matter of Transfer Application) PRELIMINARY DETERMINATION
T-11183, Deschutes County) PROPOSING APPROVAL OF A
) 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

TERRY AND RUTH MOORE
9491 NW 12TH STREET
TERREBONNE, OR 97760

Findings of Fact

Background

1. On January 6, 2011, TERRY AND RUTH MOORE filed an application to change the place of use under Certificate 66864. The Department assigned the application number T-11183.
2. The right to be transferred is as follows:

Certificate: 66864 in the name of CECIL E. PETERS (perfected under Permit G-8758)
Use: IRRIGATION of 3.0 ACRES
Priority Date: FEBRUARY 19, 1980
Rate: 0.04 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the DESCHUTES BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	13 E	WM	16	NE NW	235 FEET SOUTH AND 775 FEET WEST FROM THE N¼ CORNER OF SECTION 16

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	Tax Lot
14 S	13 E	WM	16	NE NW	3.0	106

3. Transfer Application T-11183 proposes to change the place of use of the right within tax lot 106 to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
14 S	13 E	WM	16	NE NW	3.0	106

4. Notice of the application for transfer was published on January 18, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On March 4, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11183 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 4, 2011, for the applicants to respond. The applicants requested that the Department extend the completion date to allow time to clear the proposed area of rocks and sagebrush and proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. The Department considers the request for additional time reasonable and has revised the completion date.

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years prior to the submittal of Transfer Application T-11183 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-11183.
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

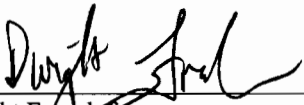
The change in place of use proposed in Transfer Application T-11183 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11183 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-11183 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 66864 and any related decree.*
3. *Water right certificate 66864 is cancelled.*
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 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, 2015**. 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 22 day of March 2011.



Dwight French for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Kara Morris at 503-986-0898 or Kara.B.Morris@wrđ.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.