

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11152, Marion County	)	PROPOSING APPROVAL OF
	)	ADDITIONAL POINTS 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**

STAUFFER BROTHERS, LLC  
13851 STAUFFER RD NE  
HUBBARD, OR 97032

**Agent**

GREG KUPILLAS  
PACIFIC HYDRO-GEOLOGY, INC.  
18487 S. VALLEY VISTA ROAD  
MULINO, OR 97042

**Findings of Fact**

**Background**

1. On November 8, 2010, STAUFFER BROTHERS, LLC filed an application for additional points of appropriation under Certificate 55411. The Department assigned the application number T-11152.
2. The right to be transferred is as follows:

**Certificate:** 55411 in the name of STAUFFER BROTHERS (perfected under Permit G-8085)

**Use:** IRRIGATION OF 54.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 29.7 ACRES

**Priority Date:** APRIL 28, 1978

**Rate:** 1.06 CUBIC FEET 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to

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.
--

any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL within the PUDDING RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	26	SW NW	63	40 FEET SOUTH AND 2020 FEET EAST FROM THE NW CORNER OF DLC 63

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	26	NE NW	52	11.4
4 S	1 W	WM	26	NW NW	52	15.0
4 S	1 W	WM	26	SW NW	52	15.0
4 S	1 W	WM	26	SE NW	52	13.4

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	26	SW NW		52	10.4
4 S	1 W	WM	26	SW NW		63	3.0
4 S	1 W	WM	27	SE NE		52	8.1
4 S	1 W	WM	27	SE NE		63	7.1
4 S	1 W	WM	27	SE NE	1		1.1

- Transfer Application T-11152 proposes additional points of appropriation approximately 250 feet to Well 2, 550 feet to Well 3, and 400 feet to Well 4 from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	26	SW NW	63	WELL 2 - 70 FEET SOUTH AND 1770 FEET EAST FROM THE NW CORNER OF DLC 63
4 S	1 W	WM	26	NW SW	63	WELL 3 - 550 FEET SOUTH AND 1820 FEET EAST FROM THE NW CORNER OF DLC 63
4 S	1 W	WM	26	SE NW	63	WELL 4 - 50 FEET SOUTH AND 2420 FEET EAST FROM THE NW CORNER OF DLC 63

- Notice of the application for transfer was published on November 16, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On April 25, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11152 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 26, 2011, for the applicant to respond. The applicant 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)***

6. Water has been used within the last five years prior to the submittal of Transfer Application T-11152 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.
7. 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-11152.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

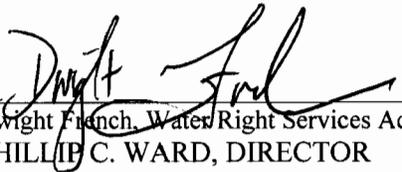
The additional points of appropriation proposed in Transfer Application T-11152 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-11152 is approved, the final order will include the following:*

1. *The additional points of appropriation proposed in Transfer Application T-11152 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 55411 and any related decree.*
3. *Water right certificate 55411 is cancelled.*
4. *The quantity of water diverted at the additional points 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 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 4<sup>th</sup> day of May 2011.

  
Dwight French, Water Right Services Administrator, 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@wrđ.state.or.us](mailto:Teri.K.Hranac@wrđ.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.