



3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** ONE WELL within the LOST RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	10 E	WM	9	NW NE	960 FEET SOUTH AND 300 FEET EAST FROM THE N¼ CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
39 S	10 E	WM	9	NW NE	2.0	901

- Transfer Application T-11156 proposes to move the authorized point of appropriation approximately 200 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
39 S	10 E	WM	9	NW NE	1135 FEET SOUTH AND 410 FEET EAST FROM THE N¼ CORNER OF SECTION 9

- Notice of the application for transfer was published on November 23, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On June 9, 2011, the Department mailed a copy of the Preliminary Determination proposing to approve Transfer Application T-11156 to the applicants. The Preliminary Determination cover letter set forth a deadline of July 11, 2011, 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.
- On June 10, 2011, the applicants requested an extension of the completion deadline to October 1, 2014.

***Transfer Review Criteria (OAR 690-380-4010)***

- 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.
- 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-11156.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

## **Determination and Proposed Action**

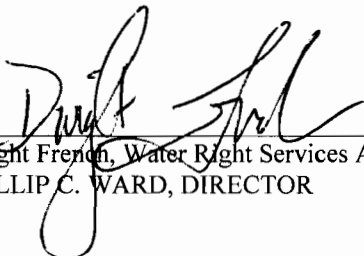
The change in point of appropriation proposed in Transfer Application T-11156 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-11156 is approved, the final order will include the following:*

1. *The change in point of appropriation proposed in Transfer Application T-11156 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 65942 and any related decree.*
3. *Water right certificate 65942 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new 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 change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. 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.*

9. *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 June 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@wrds.state.or.us](mailto:Teri.K.Hranac@wrds.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.