

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

In the Matter of Transfer Application)
T-11162, Lake County)
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)

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN POINT OF
APPROPRIATION AND 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

KENNETH AND LESLIE HUFFORD
REVOCABLE LIVING TRUST dba
HUFFORD ESTATE LLC
PO BOX 99
FORT ROCK, OR 97735

Agent

DENNIS GLENDER
GLENDER HYDRO TECH SERVICES
8664 SAND RIDGE RD
CROOKED RIVER RANCH, OR 97760

Findings of Fact

Background

1. On December 6, 2010, KENNETH AND LESLIE HUFFORD REVOCABLE LIVING TRUST, dba HUFFORD ESTATE LLC filed an application to change the point of appropriation and to change the place of use under Certificate 52626. The Department assigned the application number T-11162.
2. The portion of the right to be transferred is as follows:
 - Certificate:** 52626 in the name of JOHN AND NORMA FLAMING (perfected under Permit G-9348)
 - Use:** IRRIGATION of 126.8 ACRES
 - Priority Date:** APRIL 28, 1981
 - Rate:** 1.59 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

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.

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

Source: WELL 4 within the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
25 S	15 E	WM	19	NW SW	3	WELL 4 - 3700 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	15 E	WM	19	NE SW		31.8
25 S	15 E	WM	19	NW SW	3	32.8
25 S	15 E	WM	19	SW SW	4	31.7
25 S	15 E	WM	19	SE SW		30.5
Total						126.8

- Transfer Application T-11162 proposes to move the authorized point of appropriation approximately 1.5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	14 E	WM	23	NE NE	WELL 6 - 1320 FEET NORTH AND 1320 FEET WEST FROM THE E ¹ / ₄ CORNER OF SECTION 23

- Transfer Application T-11162 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
25 S	14 E	WM	23	NE NE	31.2	
25 S	14 E	WM	23	NW NE	31.5	
25 S	14 E	WM	23	SW NE	32.7	
25 S	14 E	WM	23	SE NE	31.4	
Total						126.8

- Notice of the application for transfer was published on December 14, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On June 20, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11162 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 20, 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)

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-11162.
9. The proposed changes would not result in enlargement of the right.
10. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-11162 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-11162 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-11162 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 52626 and any related decree.*
3. *Water right certificate 52626 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 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 changes 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 changes and full beneficial use of the water.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 30 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@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.