



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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Salem, OR 97301
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November 3, 2011

WILLIAM MARTIN
DOUGLAS MARTIN
THOMSON MARTIN
PO BOX 201
RUFUS, OR 97050

SUBJECT: Water Right Transfer Application T-11269

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11269. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0881 or Teri.K.Hranac@wrdd.state.or.us if I may be of assistance.

Sincerely,

Teri Hranac
Transfer Specialist
Transfer and Conservation Section

Enclosures

cc: Robert L. Wood, District 3 Watermaster
Larry Toll, CWRE #132



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11269, Sherman 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

WILLIAM MARTIN
DOUGLAS MARTIN
THOMSON MARTIN
PO BOX 201
RUFUS, OR 97050

Agent

LARRY TOLL
TENNESON ENGINEERING CORP.
3313 W 2ND STREET, SUITE 100
THE DALLES, OR 97058

Findings of Fact

Background

1. On July 7, 2011, WILLIAM, DOUGLAS, AND THOMSON MARTIN filed an application to change the place of use under Certificate 64105. The Department assigned the application number T-11269.
2. On July 27, 2011, the applicant corrected a scrivener's error in the place of use proposed to be transferred.
3. The portion of the right to be transferred is as follows:

Certificate: 64105 in the name of WILLIAM F. AND BARBARA B. MARTIN
(perfected under Permit G-7301)

Use: IRRIGATION of 16.2 ACRES

Priority Date: MARCH 7, 1977

Rate: 0.086 CUBIC FOOT PER SECOND

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

Source: A WELL within the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2 N	17 E	WM	6	SW SW	7	60 FEET NORTH AND 1050 FEET EAST FROM THE SW CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
2 N	17 E	WM	7	NE NW		6.7
2 N	17 E	WM	7	NW NW	1	8.3
2 N	17 E	WM	7	SW NW	2	1.2

4. Transfer Application T-11269 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	16 E	WM	12	NE NE	5.2
2 N	16 E	WM	12	NW NE	11.0

5. Notice of the application for transfer was published on July 12, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On August 12, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11269 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 8, 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 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-11269.
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-11269 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-11269 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-11269 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 64105 and any related decree.*
- 3. Water right certificate 64105 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*
- 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, 2013**. 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 7 day of November 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.

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-11269**

T-11269 filed by William, Douglas, and Thomson Martin, PO Box 201, Rufus, OR 97050, proposes a change in place of use under Certificate 64105. The right allows the use of 0.086 cubic foot per second (priority date March 7, 1977) from a well in Sec. 6, T 2 N, R 17 E, W.M. for irrigation in Sec. 7. The applicant proposes to change the place of use to Sec. 12, T 2 N, R 16 E, W.M. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

