

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

In the Matter of Transfer Application) PRELIMINARY DETERMINATION
T-11098, Grant County) PROPOSING APPROVAL OF A
) CHANGE IN PLACE OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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

STEP FORWARD ACTIVITIES, INC.
P O BOX 1070
BAKER CITY, OR 97814

Findings of Fact

Background

1. On June 28, 2010, STEP FORWARD ACTIVITIES, INC. filed an application to change the place of use under Certificate 61857. The Department assigned the application number T-11098.
2. On November 14, 2011, the applicant submitted an amended application and map clarifying the place of use to be transferred.
3. The right to be transferred is as follows:

Certificate: 61857 in the name of WALTER BADLEY, ET AL. (confirmed by John Day River Decree)
Use: IRRIGATION of 0.35 ACRE
Priority Date: 1875
Rate: 0.009 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.

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-FORTIETH 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 ONE ACRE FOOT PER ACRE PER CALENDAR MONTH TO JULY 1 AND ¾ ACRE FOOT PER ACRE PER CALENDAR MONTH THEREAFTER AND SHALL BE FURTHER LIMITED TO A TOTAL OF 5.0 ACRE FEET PER ACRE FOR THE SEASON FROM APRIL 1 TO SEPTEMBER 30.

Period of Use: APRIL 1 TO SEPTEMBER 30

Source: JOHN DAY RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	31 E	WM	25	NW NE	1020 FEET SOUTH AND 740 FEET EAST FROM THE N¼ CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
13 S	31 E	WM	25	NE NW	0.21	1400
13 S	31 E	WM	25	NE NW	0.14	1500

4. Transfer Application T-11098 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
13 S	31 E	WM	25	NE NW	0.13	1100
13 S	31 E	WM	25	SE NW	0.22	1100

5. Notice of the application for transfer was published on July 6, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On November 16, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11098 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 16, 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(2)]

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-11098.
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-11098 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11098 is approved, the final order will include the following:

1. *The change in place of use proposed in application T-11098 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 61857 and any related decree.*
3. *Water right certificate 61857 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *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 diversion.*
 - b. *The water user shall maintain the meter or measuring device in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device are located within a private structure, the Watermaster shall request access upon reasonable notice.*
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 30 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@wrд.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.