



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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March 20, 2012

JERRY SOLARI, SR. & SANDRA SOLARI
20509 S MURPHY RD
RIPON, CA 95366

SUBJECT: Water Right Transfer Application T-11286

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11286. 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. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Herald & News newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a 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. The protest period will end 30 days after the last date of newspaper publication.

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 if I may be of assistance.

Sincerely,

Transfer Specialist
Transfer and Conservation Section

Enclosures

cc: T-11286
Scott White, District 17 Watermaster (via e-mail)
Andrew Hanson, Agent for the applicant (via e-mail at ahanson@adkinsengineering.com)
Doug Adkins, CWRE #002 (via e-mail at adkins@adkinsengineering.com)



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

Source: A WELL within the LOST RIVER BASIN (Tule Lake)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	7	NW SE	160 FEET SOUTH AND 1870 FEET WEST FROM THE E¼ CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
41 S	10 E	WM	7	SW NE		2.90
41 S	10 E	WM	7	SE NE		15.20
41 S	10 E	WM	7	NE SE		40.00
41 S	10 E	WM	7	NW SE		24.60
41 S	10 E	WM	7	SW SE	3	7.00
41 S	10 E	WM	7	SE SE		31.60
41 S	10 E	WM	8	SW NW		0.25
TOTAL						121.55

- Transfer Application T-11286 proposes to move the authorized point of appropriation approximately 2650 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	10 E	WM	7	SE SE	300 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF SECTION 7

- Notice of the application for transfer was published on September 6, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On February 14, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11286 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 15, 2012, 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)

- 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-11286.
- 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 point of appropriation proposed in Transfer Application T-11286 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-11286 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-11286 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 37821 and any related decree.*
3. *Water right certificate 37821 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 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.*

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 19 day of March 2012.


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.