



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
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July 24, 2012

VIA E-MAIL

BUELL RED PRAIRIE WATER DISTRICT
MARK MILLIKAN
PO BOX 367
SHERIDAN, OR 97378

SUBJECT: Water Right Transfer Application T-11390

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11390. 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, 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 Department's notice.

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 503-986-0886 or Patrick.K.Starnes@wr.d.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes
Transfer Specialist

cc: T-11390
Mike McCord, District 16 Watermaster (via e-mail)
Paul Eckley, CWRE #415 (via e-mail)

encs

Authorized Place of Use (Recharge Well):

GROUND WATER RECHARGE				
Twp	Rng	Mer	Sec	Q-Q
6 S	7 W	WM	35	SW SE

3. Transfer Application T-11390 proposes to change the place of use of the right (add one additional recharge well) to:

GROUND WATER RECHARGE				
Twp	Rng	Mer	Sec	Q-Q
6 S	7 W	WM	35	NW SE
6 S	7 W	WM	35	SW SE

4. Notice of the application for transfer was published on April 10, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
5. On July 16, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11390 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 15, 2012, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

Transfer Review Criteria [OAR 690-380-4010(2)]

6. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and delivery 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-11390.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.
10. The new injection well must be registered with the Oregon Department of Environmental Quality's Underground Injection (UIC) Program before the well can be authorized for injection use.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11390 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-11390 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-11390 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 87392 and any related decree.*
- 3. Water right certificate 87392 is cancelled.*
- 4. Prior to injection of water at the proposed well, the well must be registered with Oregon Department of Environmental Quality's Underground Injection (UIC) program.*
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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.*
- 6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 25th day of July, 2012.

E. Timothy Wall *for*

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@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.

