



Oregon

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Water Resources Department

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January 28, 2013

Applicant

MEADOW CREEK ENTERPRISES

c/o RICHARD RANEY

67337 SILVER CREEK ROAD

RILEY, OR 97758

SUBJECT: Water Right Transfer Application T-11471

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11471. 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, 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) 986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen

Transfer Program Advisor

cc: T-11471

Jason Spriet, Eastern Region Manager (*via e-mail*)

Scott D. Montgomery, Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11471, Harney County	)	PROPOSING APPROVAL 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

MEADOW CREEK ENTERPRISES
c/o RICHARD RANEY
67337 SILVER CREEK RD
RILEY, OR 97758

Agent

ALL POINTS ENGINEERING AND SURVEYING
SCOTT D. MONGOMERY
PO BOX 767
TERREBONNE, OR 97760

Findings of Fact

Background

1. On September 6, 2012, MEADOW CREEK ENTERPRISES filed an application to change the place of use under Certificate 60960. The Department assigned the application number T-11471.
2. On November 26, 2012, the applicant modified the transfer application and application map to include Certificate 60961.
3. On December 5, 2012, the agent requested that the completion date be extended until October 1, 2019.
4. A portion of the first right to be transferred is as follows:

Certificate: 60960 in the name of MEADOW CREEK ENTERPRISES (perfected under Permit G-8055)

Use: SUPPLEMENTAL IRRIGATION of 21.3 ACRES

Priority Date: FEBRUARY 14, 1978

Rate: 0.27 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of

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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ONE-EIGHTIETH of one cubic foot per second, 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 MILLER CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	27 E	WM	7	SE NW	2820 FEET NORTH AND 2440 FEET EAST FROM THE SW CORNER OF SECTION 7

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	27 E	WM	7	NE NW	14.2
23 S	27 E	WM	7	NW NW	7.1
Total:					21.3

5. Transfer Application T-11471 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	27 E	WM	7	SW NW	3.4
23 S	27 E	WM	7	SE NW	17.9
Total:					21.3

6. A portion of the second right to be transferred is as follows:

Certificate: 60961 in the name of MEADOW CREEK ENTERPRISES (perfected under Permit S-43009)

Use: IRRIGATION of 21.3 ACRES

Priority Date: APRIL 4, 1978

Rate: 0.35 CUBIC FOOT 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, is limited to a diversion of ONE-SIXTIETH of one cubic foot per second, 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: MILLER CREEK, tributary to SILVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	27 E	WM	7	NE NW	1450 FEET EAST FROM THE NW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	27 E	WM	7	NE NW	14.2
23 S	27 E	WM	7	NW NW	7.1
Total:					21.3

7. Transfer Application T-11471 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	27 E	WM	7	SW NW	14.2
23 S	27 E	WM	7	SE NW	7.1
Total:					21.3

8. Notice of the application for transfer was published on September 11, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On December 5, 2012, the Department sent a draft copy of the Preliminary Determination proposing to approve Transfer Application T-11471 to the applicant. The Preliminary Determination cover letter set forth a deadline of January 5, 2012, 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)

10. 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 rights are subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11471.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

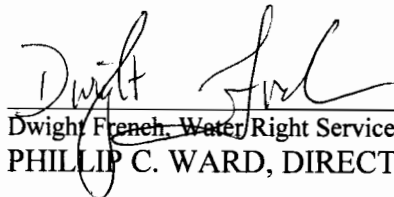
The change in place of use proposed in Transfer Application T-11471 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11471 is approved, the final order will include the following:

- The changes in place of use proposed in application T-11471 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 60960, 60961, and any related decree.*
3. *Water right certificates 60960 and 60961 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.*
4. *The former place of use of the transferred right shall no longer receive water under the rights.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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 25 day of January, 2013.


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

This Preliminary Determination was prepared by Susan Douthit. If you have questions about the information in this document, you may reach me at 503-986-0858 or Susan.M.Douthit@wrđ.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.