



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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November 22, 2013

Applicant

SPORTSMANS PARK WATER ASSOC.
ATTN CAROLINE
343 OAK PARK DR
TYGH VALLEY, OR 97063

SUBJECT: Water Right Transfer Application T-11619

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11619. 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 503-986-0858 or Susan.M.Douthit@wr.d.state.or.us if I may be of assistance.

Sincerely,

Susan Douthit

Transfer and Conservation Section

cc: T-11619
Robert L. Wood, District 3 Watermaster (*via e-mail*)
Larry M. Toll, Agent for the applicant

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

In the Matter of Transfer Application) **PRELIMINARY DETERMINATION**
T-11619, Wasco County) **PROPOSING APPROVAL OF AN**
) **ADDITIONAL POINT OF**
) **APPROPRIATION**

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
Sportsman Park Water Association
Attn – Caroline Richardson
343 Oak Park Dr.
Tygh Valley, OR 97063

Agent
Tenneson Engineering Corporation
Attn – Larry Toll
3313 W. Second St., Suite 100
The Dalles, OR 97058
ltoll@tennesoneng.com

Findings of Fact

1. On June 17, 2013, Sportsman Park Water Association filed an application for an additional point of appropriation under Certificate 82620. The Department assigned the application number T--11619.
2. Notice of the application for transfer was published on June 25, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 17, 2013, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11619 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 18, 2013, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

4. The right to be transferred is as follows:

Certificate: 82620 in the name of SPORTSMANS PARK WATER ASSOCIATION
(perfected under Permit G-10453)

Use: DOMESTIC USE for 142 households including the irrigation of not to exceed one-half acre and non-commercial garden for each household and SUPPLEMENTAL IRRIGATION of 3.0 acres.

Priority Date: AUGUST 15, 1984

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.

Rate: 0.19 CUBIC FOOT PER SECOND (CFS), BEING 0.15 CFS FOR DOMESTIC USE AND 0.04 CFS FOR IRRIGATION or its equivalent in case of rotation, measured at the wells.

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-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: TWO WELLS within the WHITE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	11 E	WM	14	SW SW	380 FEET SOUTH AND 310 FEET EAST FROM S 1/16 CORNER BETWEEN SECTION 14 AND SECTION 15
4 S	11 E	WM	14	SE SW	390 FEET SOUTH AND 1530 FEET EAST FROM S 1/16 CORNER BETWEEN SECTION 14 AND SECTION 15

Authorized Place of Use:

DOMESTIC EXPANDED USE				
Twp	Rng	Mer	Sec	Q-Q
4 S	11 E	WM	14	NE SW
4 S	11 E	WM	14	NW SW
4 S	11 E	WM	14	SW SW
4 S	11 E	WM	14	SE SW

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	11 E	WM	14	SW SW	1.0
4 S	11 E	WM	14	SE SW	2.0

5. The applicant described the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	11 E	WM	14	SW SW	335 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER OF THE SWSW OF SECTION 14
4 S	11 E	WM	14	SE SW	375 FEET SOUTH AND 1590 FEET EAST FROM THE NW CORNER OF THE SWSW OF SECTION 14

6. The Department has determined the wells as described in the transfer application are the same as those described on Certificate 82620.

7. Transfer Application T-11619 proposes to add an additional point of appropriation approximately 20 feet from Well 1 and 1290 feet from Well 2, the existing points of appropriation, to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	11 E	WM	14	SW SW	355 FEET SOUTH AND 300 FEET EAST FROM THE NW CORNER, OF THE SWSW, OF SECTION 14

Transfer Review Criteria (OAR 690-380-4010)

8. 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.
9. 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--11619.
10. The proposed change would not result in enlargement of the water right if the new well is equipped with a dedicated ¾ inch diameter (minimum) water level measurement tube (separate from any other water level measurement method) when the pump is installed.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T--11619 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--11619 is approved, the final order will include the following:

- 13. The additional point of appropriation proposed in application T--11619 is approved.*
- 14. 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 82620 and any related decree.*
- 15. Water right certificate 82620 is cancelled.*
- 16. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 17. The water user shall equip the new well with a dedicated ¾-inch (minimum) water-level measurement tube when the pump is installed; separate from other methods of measuring the water level such as airlines or transducers.*
- 18. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 19. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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.

20. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 19 day of November, 2013.


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

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

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document you may contact Susan Douthit at 503-986-0858 or Susan.M.Douthit@ wrd.state.or.us.