



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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March 18, 2014

SKINNER RANCHES INC.
ROBERT M. SKINNER
3280 SKINNER RD
JORDAN VALLEY, OR 97910

SUBJECT: Water Right Transfer Application T-11633

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11633. 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.

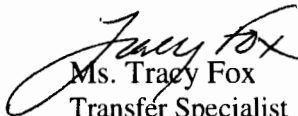
A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing 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 Tracy.L.Fox@wrdd.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,



Ms. Tracy Fox
Transfer Specialist
Transfer and Conservation Section

cc: T-11633
Ronald K. Jacobs, District 9 Watermaster (*via e-mail*)
CK3 LLC, Agent for the applicant
Stewart R. Edwards, CK3 LLC, CWRE #36234

enclosure

5. The portion of the right to be transferred is as follows:

Certificate: 35808 in the name of W. S. SKINNER (confirmed by Owyhee River Decree)
Use: IRRIGATION OF 115.2 ACRES
Priority Date: 1869 for Tract No. 3; Tract No. 5 without date of priority
Limit/Duty: Tracts Nos. 3: shall not exceed 2 acre feet per acre prior to June 1st, and ½ acre foot per acre during any calendar month after June 1st, of each irrigation season from April 1st to October 15th;
 Tract 5: The following are willow and rye grass lands, allowed a right by said decree, without date of priority, with the provision that such lands may receive not in excess of 2 acre feet of water per acre prior to June 1st of each year, and shall not receive water thereafter.
Source: JORDAN CREEK for Tract No. 3; Jordan Creek willow and rye grass lands for Tract No. 5

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
30 S	44 E	WM	24	NW SW	14.5	3
30 S	44 E	WM	24	SW SW	36.3	3
30 S	44 E	WM	24	SE SW	24.2	3
30 S	44 E	WM	24	NE SW	6.7	5
30 S	44 E	WM	24	NE SW	10.6	3
30 S	44 E	WM	24	NW SW	5.8	5
30 S	44 E	WM	24	NW SE	17.1	5
Total:					115.2	

6. Transfer Application T-11633 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Tract
30 S	44 E	WM	24	NW SW	14.5	5
30 S	44 E	WM	24	NE SW	10.6	5
30 S	44 E	WM	24	NE SW	6.7	3
30 S	44 E	WM	24	NW SW	5.8	3
30 S	44 E	WM	24	SE SW	4.5	5
30 S	44 E	WM	24	NW SE	17.1	3
30 S	44 E	WM	24	SE NE	18.2	3
30 S	44 E	WM	24	NE SE	37.8	3
Total:					115.2	

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 diversion structure and ditch 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-11633.
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-11633 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-11633 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-11633 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 35808 and any related decree.*
3. *Water right Certificate 35808 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *When required by the Department the water user shall install and maintain measurement devices or a headgate to control and regulate the quantity of water diverted. If required, the type and plans of the headgate must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain the headgate as required by the Department.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 17 day of March 2014.



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

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@ wrd.state.or.us.

Protests should be addressed to the Water Rights Division, Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266.