



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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March 25, 2014

VIA E-MAIL

RICHARD ROBINSON
ROBINSON FARMS LLC
PO BOX 100
AMITY, OR 97101

SUBJECT: Water Right Transfer Application T-11605

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11605. 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-11605
Mike L. McCord, District 16 Watermaster (*via e-mail*)
Matt Dunckel, CWRE #211 (*via e-mail*)

enclosure

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-11605, Yamhill County)	PROPOSING APPROVAL OF
)	CHANGES IN PLACE OF USE AND
)	PARTIAL DIMINUTION OF A
)	GROUNDWATER REGISTRATION

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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

RICHARD ROBINSON
ROBINSON FARMS, LLC
PO BOX 100
AMITY, OR 97101

Findings of Fact

1. On May 28, 2013, RICHARD ROBINSON filed an application to change the place of use under Certificate 22179. The Department assigned the application number T-11605.
2. Notice of the application for transfer was published on June 4, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The Department determined that the land to which Certificate 22179 is proposed to move to is already covered by a groundwater registration, GR-2000, for irrigation use.
4. On January 28, 2014, the applicant submitted an Affidavit for the Partial Diminution of a Water Right Certificate for Groundwater Registration GR-2000.
5. On February 13, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11605 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 13, 2014, 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.

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

Certificate: 22179 in the name of CHARLIE W. REED (perfected under Permit S-19336)
Use: IRRIGATION of 4.0 ACRES
Priority Date: SEPTEMBER 14, 1949
Rate: 0.05 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: SOUTH YAMHILL RIVER a tributary to the YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
5 S	4 W	WM	6	SE SE	37

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	6	NW SE	37	0.3
5 S	4 W	WM	6	SW SE	37	1.9
5 S	4 W	WM	6	SE SE	37	1.8

7. Transfer Application T-11605 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	7	SE NE	43	4.0

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

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-11605.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Partial Diminution of a Groundwater Registration

On January 28, 2014, the applicant submitted an Affidavit for the Partial Diminution of a Groundwater Registration. The portion of the right to be diminished is as follows:

GR Application: GR-2000 in the name of CHARLIE W. REED (Groundwater Registration Certificate GR-1930)
Use: IRRIGATION of 4.0 ACRES
Tentative Priority Date: JULY 1954
Rate: 12.2 GALLONS PER MINUTE
Source: A WELL, tributary to SALT CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	4 W	WM	7	NE NE	SOUTH 57 DEGREES WEST 1400 FEET FROM THE NE CORNER OF SECTION 7

Authorized Place of Use to be Diminished:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	7	SE NE	43	4.0

Determination and Proposed Action

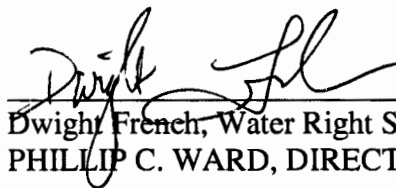
The change in place of use proposed in Transfer Application T-11605 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and GR-2000 should be partially diminished. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the Groundwater Registration will be partially diminished.

If Transfer Application T-11605 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-11605 is approved. Groundwater Registration GR-2000 is partially diminished.*
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 22179 and any related decree.*
3. *Water right certificate 22179 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *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 diversion.*
 - b. *The water user shall maintain the meter or measuring device in good working order.*

- c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
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 24 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@wrđ.state.or.us.

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