



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 2, 2014

VIA E-MAIL

THE POPLARS RANCH INC.
59234 FORT ROCK RD
SILVER LAKE, OR 97638

SUBJECT: Water Right Transfer Application T-11525

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11525. 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 and in the Lake County Examiner newspaper, 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 last date of newspaper publication.

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@wr.d.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-11525
Brian M. Mayer, District 12 Watermaster (*via e-mail*)
Dennis R. Glender, Agent for the applicant (*via e-mail*)
Scott Montgomery, CWRE #51324 (*via e-mail*)

enclosures

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-11525, Lake County)	PROPOSING APPROVAL OF A
)	CHANGE IN POINT APPROPRIATION
)	AND 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

THE POPLARS RANCH INC.
59234 FORT ROCK RD
SILVER LAKE, OR 97638

Findings of Fact

1. On January 22, 2013, THE POPLARS RANCH INC. filed an application to change the point of appropriation and the place of use under Certificate 66225. The Department assigned the application number T-11525.
2. Notice of the application for transfer was published on January 29, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 20, 2013, the applicant's Certified Water Rights Examiner (CWRE) submitted a revised map, which also identifies the remaining lands under Certificate 66225, not being changed by the transfer.
4. On February 6, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11525 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 6, 2013, 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.
5. The portion of the right to be transferred is as follows:
Certificate: 66225 in the name of THE POPLARS RANCH, INC. (perfected under Permit G-10111)

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.
--

Use: IRRIGATION of 5.4 ACRES
Priority Date: APRIL 6, 1983
Rate: 0.07 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	15 E	WM	4	SW NE	1800 FEET SOUTH AND 1120 FEET EAST FROM THE N1/4 CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	15 E	WM	4	SW NE		0.8
27 S	15 E	WM	4	NW NW	4	0.5
27 S	15 E	WM	4	SW NW		1.4
27 S	15 E	WM	4	NE SW		1.5
27 S	15 E	WM	4	NW SW		0.5
27 S	15 E	WM	4	NW SE		0.7

6. Transfer Application T-11525 proposes to move the authorized point of appropriation approximately 1.2 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	15 E	WM	33	NW NW	WELL 3: 1320 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33

7. Transfer Application T-11525 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	33	NE NW	5.4

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 amount of water being requested to transfer were present within the five-year period prior to submittal of Transfer Application T-11525.

10. The proposed changes would not result in enlargement of the right.
11. The proposed changes would not result in injury to other water rights.
12. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-11525 appear 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-11525 is approved, the final order will include the following:

1. *The change in point of appropriation and the change in place of use proposed in Transfer Application T-11525 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 66225 and any related decree.*
3. *Water right Certificate 66225 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *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 appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
 - d. *The meters or measuring devices shall be properly installed and maintained. Each meter shall be either within 50 feet of the well head with a clearly visible monument adjacent to the meter or a surveyed location shall be provided and a clearly visible monument adjacent to the meter shall be installed for each meter more than 50 feet from the well head.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*

8. *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 changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 1 day of April 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 Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266.