



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
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May 1st, 2014

DeARMOND FAMILY LLC
ATTN: THOMAS H. DEARMOND
11463 BROADACRES RD NE
HUBBARD, OR 97032

SUBJECT: Water Right Transfer Application T-11657

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11657. 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 503-986-0890 or Sarah.A.Henderson@wrp.state.or.us if I may be of assistance.

Sincerely,

Sarah Henderson
Transfer Specialist
Transfer and Conservation Section

cc: T-11657
Mike L. McCord, District 16 Watermaster (*via e-mail*)
Donald E. Knauer, Agent and CWRE for the applicant (*via e-mail*)

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Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

6. On April 4, 2014, the applicants' agent requested the deadline for the full beneficial use of the water be extended to October 1, 2020.
7. The portion of the right to be transferred is as follows:

Certificate: 88407 in the name of THOMAS DeARMOND (perfected under Permit G-16181)
Use: NURSERY USES on 38.7 ACRES
Priority Date: JANUARY 23, 2006
Rate: 0.90 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for **nursery operations** may be made at any time, during the period of allowed use above, that the use is beneficial. For the irrigation of any **other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.
Period of Use: December 1 through May 31
Source: WELL 3 in the SENECA CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	31	NE NE	59	220 FEET NORTH AND 400 FEET WEST FROM THE SE CORNER OF DLC 59

Authorized Place of Use:

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	30	SW SE	59	4.6
4 S	1 W	WM	30	SE SE	59	27.0
4 S	1 W	WM	31	NW NE	59	7.1

8. Transfer Application T-11657 proposes to change the place of use of the right to:

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	30	NE SW	59	0.1
4 S	1 W	WM	30	SE SW	59	3.3
4 S	1 W	WM	30	NE SE	59	3.9
4 S	1 W	WM	30	NW SE	59	12.3

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	1 W	WM	30	SW SE	59	16.0
4 S	1 W	WM	30	SE SE	59	3.1

Transfer Review Criteria (OAR 690-380-4010)

9. 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.
10. 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-11657.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11657 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-11657 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-11657 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 88407 and any related decree.*
3. *Water right Certificate 88407 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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 5 day of May, 2014.


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

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-986-0890 or Sarah.A.Henderson@wrds.state.or.us.

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