



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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June 9, 2014

VIA E-MAIL

TRAVIS SINGHOSE
29327 WEAVER SPRINGS LANE
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-11671

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11671. 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 Burns Times Herald 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 503-986-0890 or Sarah.A.Henderson@ wrd.state.or.us if I may be of assistance.

Sincerely,

Sarah Henderson
Transfer Specialist
Transfer and Conservation Section

cc: T-11671
Tony D. Rutherford, District 10 Watermaster (*via e-mail*)
Dirk Durjee, Agent for the applicant (*via e-mail*)
William Tye, CWRE #191 (*via e-mail*)

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

In the Matter of Transfer Application)
T-11671, Harney County)
)
) **PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN 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

TRAVIS SINGHOSE
29327 WEAVER SPRINGS LANE
BURNS, OR 97720

Findings of Fact

1. On October 7, 2013, TRAVIS SINGHOSE filed an application to change the point of appropriation under Certificate 72361. The Department assigned the application number T-11671.
2. Notice of the application for transfer was published on October 22, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 14, 2014, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11671 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 14, 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.
4. The portion of the right to be transferred is as follows:
Certificate: 72361 in the name of DOUGLAS H. AND DELORES L. STILLS AND NORTHWEST FARM CREDIT SERVICES, ACA (perfected under Permit G-11242)
Use: IRRIGATION of 94.5 ACRES
Priority Date: JANUARY 23, 1991
Rate: 1.18 CUBIC FEET 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, is limited to

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.

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: WELL 1 within the SAGEHEN CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	30 E	WM	27	SE NW	WELL 1: 70 FEET NORTH AND 10 FEET WEST FROM THE C1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	30 E	WM	26	NE SW	23.2
25 S	30 E	WM	26	NW SW	13.5
25 S	30 E	WM	26	SW SW	24.8
25 S	30 E	WM	26	SE SW	33.0

- Transfer Application T-11671 proposes to move the authorized point of appropriation approximately 0.7 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	30 E	WM	26	SW SW	WELL 2: 30 FEET NORTH AND 30 FEET EAST FROM THE SW CORNER OF SECTION 26

Transfer Review Criteria (OAR 690-380-4010)

- 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.
- 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-11671.
- Provided totalizing flow meters are installed as conditioned below, the proposed change would not result in enlargement of the right.
- If conditioned as follows, the proposed change would not result in injury to other water rights.
- All other application requirements are met.

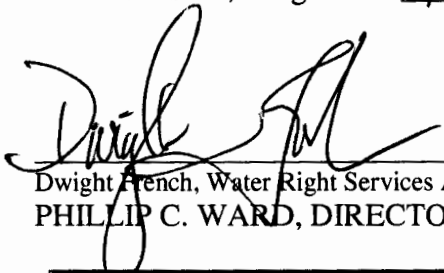
Determination and Proposed Action

The change in point of appropriation proposed in Transfer Application T-11671 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-11671 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-11671 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 72361 and any related decree.*
3. *Water right certificate 72361 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, together with that diverted at the original 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *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.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 4 day of June, 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@ wrd.state.or.us.

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