



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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June 4, 2014

VIA E-MAIL

LONEROCK RANCH INC
26733 CAMPBELL LANE
CONDON, OR 97823

SUBJECT: Water Right Transfer Application T-11661

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11661. 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@wrd.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-11661
Kenneth C. Thiemann, District 21 Watermaster (*via e-mail*)
Pat Campbell, Agent for the applicant (*via e-mail*)
David Armstrong, CWRE #145

enclosure

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11661, Gilliam County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN PLACE OF USE AND
	)	CANCELLATION OF A WATER
	)	RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

LONEROCK RANCH INC
26733 CAMPBELL LANE
CONDON, OR 97823

Findings of Fact

1. On September 6, 2013, LONEROCK RANCH INC. filed an application to change the place of use under Certificate 25357. The Department assigned the application number T-11661.
2. Notice of the application for transfer was published on September 17, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. Based on the initial application, the Department determined that there would be enlargement as there are six acres that are sub-irrigated.
4. On April 3, 2014, the Department contacted Lonerock Ranch Inc. by telephone to notify the applicant of the enlargement issue. On April 29, 2014, the applicant submitted revised application documents removing the six acres that are sub-irrigated from the application.

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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5. On May 15, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11661 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 16, 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.
6. The portion of the right to be transferred is as follows:

Certificate: 25357 in the name of JAMES B. HUDDLESTON (confirmed by John Day River Decree)

Use: IRRIGATION OF 26.0, DOMESTIC and STOCK

Priority Date: 1880

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to September 30, measured at point of diversion.

Source: LONE ROCK CREEK and SPRING

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	24 E	WM	5	NW SE	4.6
6 S	24 E	WM	5	SW SE	6.4
6 S	24 E	WM	5	SE SE	15.0

7. Certificate 25357 does not describe the location of the point of diversion, however information is available from the authorized agent indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	24 E	WM	8	NE NW	1320 FEET SOUTH AND 2840 FEET WEST FROM THE NE CORNER OF SECTION 8

8. Transfer Application T-11661 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 S	24 E	WM	4	NW SW	6	5.0
6 S	24 E	WM	4	SW SW	7	12.9
6 S	24 E	WM	5	NE SE		4.6
6 S	24 E	WM	5	SE SE		3.5

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

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 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-11661.
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.

Cancellation of a Water Right

On September 4, 2013, an affidavit certifying that an entire water right has been abandoned and requesting cancellation of the right was received from Pat Campbell. The right to be cancelled is as follows:

Certificate: 21648 in the name of PAT CAMPBELL
Use: IRRIGATION of 11.8 ACRES
Priority Date: OCTOBER 7, 1946
Rate: 0.30 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-FORTIETH of one cubic foot per second per acre, for each acre irrigated prior to June 1st and thereafter ONE-EIGHTIETH of one cubic foot per second or its equivalent for each acre irrigated and shall be limited to a diversion of not to exceed 1.0 acre-feet per acre for each acre irrigated during any month prior to June 1st and shall be further limited to a total diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season from April 1st to September 30th of each year.
Source: BROWN CREEK, a tributary of ROCK CREEK, a tributary of JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
6 S	24 E	WM	9	NW NW

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	24 E	WM	5	SE SE	11.8

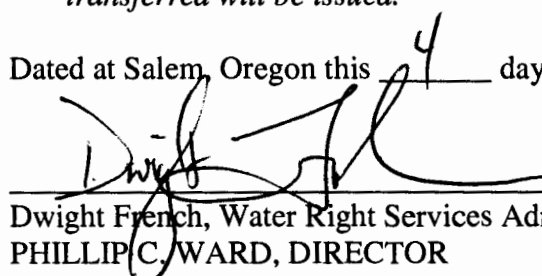
Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11661 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned right will be cancelled.

If Transfer Application T-11661 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-11661 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 23537 and any related decree.*
- 3. Water right Certificates 25357 and 21648 are cancelled. A new certificate will be issued describing that portion of certificate 25357 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, 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.*
- 6. 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 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 Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266