



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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December 9, 2014

STANFIELD HUTTERIAN BRETHERN
C/O HERB STAHL, IRRIGATION MANAGER
36345 DESPAIN GULCH ROAD
STANFIELD OR 97875

SUBJECT: Water Right Transfer Application T-11770

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11770. 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 East Oregonian 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 503-986-0886 or Patrick.K.Starnes@ wrd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes
Transfer Program Analyst
Transfer and Conservation Section

cc: Transfer Application T-11770
Greg Silbernagel, District 5 Watermaster (*via e-mail*)
William I. Porfily, Agent for the applicant (*via e-mail*)
Dale G. VanSchoiack, CWRE # 333 (*via e-mail*)

encs

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

In the Matter of Transfer Application)
T-11770, Morrow County)
)
) **PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF
CHANGES IN POINTS OF DIVERSION
AND PLACES OF USE**

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

STANFIELD HUTTERIAN BRETHERN
C/O HERB STAHL, IRRIGATION MANAGER
36345 DESPAIN GULCH RD
STANFIELD, OR 97875

Findings of Fact

1. On March 24, 2014, STANFIELD HUTTERIAN BRETHERN, filed an application to change the point of diversion and place of use under Certificates 52222 and 56158 and change the place of use under Certificates 64411, 76052, and 87073. The Department assigned the application number T-11770.
2. Notice of the application for transfer was published on April 8, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 18, 2014, the agent and certified water right examiner, Bill Porfily and Dale VanSchoiack, were contacted by e-mail regarding items in the application maps that needed to be addressed. Specifically:
 - a. Acreage under Certificate 56158 was missing from the “from” map in the SE¼ NW¼, Section 2, T 4 N, R 26 E, WM.
 - b. Acreage under Certificate 76052 in Lot 3 (NE¼ NW¼), Sec. 24, T 4 N, R 26 E, WM was mislabeled on the “to” map as being 33.3 acres, whereas it should be labeled 34.3 acres.
4. On September 8, 2014, amended “to” and “from” transfer application maps were received by the Department addressing the deficiencies described in Finding No. 4.

<p>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.</p>

5. On October 6, 2014, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-11770 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of October 23, 2014, for the applicant to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.

5. The first right to be transferred is as follows:

Certificate: 52222 in the name of WESTERN EMPIRES CORPORATION (perfected under Permit S-32309)

Use: IRRIGATION OF 1777.0 ACRES

Priority Date: AUGUST 15, 1967

Rate: 44.43 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, shall be limited to ONE-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	26 E	WM	23	SE NE	1	600 FEET NORTH AND 230 FEET WEST FROM THE E ¹ / ₄ CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	1	NE NW	8.2
4 N	26 E	WM	1	SW NW	31.1
4 N	26 E	WM	1	SE NW	39.0
4 N	26 E	WM	1	NE SW	39.0
4 N	26 E	WM	1	NW SW	40.0
4 N	26 E	WM	1	SW SW	39.7
4 N	26 E	WM	1	SE SW	34.5
4 N	26 E	WM	3	SE SW	15.3
4 N	26 E	WM	3	SW SE	34.5
4 N	26 E	WM	3	SE SE	40.0
4 N	26 E	WM	11	NE NE	40.0
4 N	26 E	WM	11	NW NE	38.3
4 N	26 E	WM	11	SW NE	38.4
4 N	26 E	WM	11	SE NE	37.6
4 N	26 E	WM	11	NE NW	37.8
4 N	26 E	WM	11	NW NW	40.0
4 N	26 E	WM	11	SW NW	39.7
4 N	26 E	WM	11	SE NW	38.7
4 N	26 E	WM	11	NE SW	36.3
4 N	26 E	WM	11	NW SW	37.6
4 N	26 E	WM	11	SW SW	39.6

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	11	SE SW	38.3
4 N	26 E	WM	11	NE SE	37.8
4 N	26 E	WM	11	NW SE	36.0
4 N	26 E	WM	11	SW SE	38.1
4 N	26 E	WM	11	SE SE	39.3
4 N	26 E	WM	12	NE NW	32.0
4 N	26 E	WM	12	NW NW	38.2
4 N	26 E	WM	12	SW NW	37.2
4 N	26 E	WM	12	SE NW	33.4
4 N	26 E	WM	12	NE SW	31.2
4 N	26 E	WM	12	NW SW	35.3
4 N	26 E	WM	12	SW SW	39.2
4 N	26 E	WM	12	SE SW	35.1
4 N	26 E	WM	13	NE NW	31.8
4 N	26 E	WM	13	NW NW	35.3
4 N	26 E	WM	13	SW NW	38.0
4 N	26 E	WM	13	SE NW	34.8
4 N	26 E	WM	13	NE SW	31.6
4 N	26 E	WM	13	NW SW	35.9
4 N	26 E	WM	13	SW SW	32.8
4 N	26 E	WM	13	SE SW	32.2
4 N	26 E	WM	15	NE NE	34.5
4 N	26 E	WM	15	NW NE	38.1
4 N	26 E	WM	15	SW NE	32.4
4 N	26 E	WM	15	SE NE	31.1
4 N	26 E	WM	15	NE NW	35.4
4 N	26 E	WM	15	NW NW	35.4
4 N	26 E	WM	15	SW NW	32.8
4 N	26 E	WM	15	SE NW	35.0
4 N	26 E	WM	15	NE SW	0.7
4 N	26 E	WM	15	NW SW	0.6
4 N	26 E	WM	15	NE SE	10.4
4 N	26 E	WM	15	SE SE	1.8
Total					1777.0

6. Transfer Application T-11770 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Change in place of use only acres	Change in place of use and change in point of diversion acres
4 N	26 E	WM	1	NE NW	6.4	
4 N	26 E	WM	1	SW NW	28.4	
4 N	26 E	WM	1	SE NW	36.6	
4 N	26 E	WM	1	NE SW	36.9	
4 N	26 E	WM	1	NW SW	32.0	
4 N	26 E	WM	1	SW SW	37.6	
4 N	26 E	WM	1	SE SW	35.7	
4 N	26 E	WM	2	SE NE	0.3	
4 N	26 E	WM	2	NW SW	0.8	
4 N	26 E	WM	2	SW SW	20.4	

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Change in place of use only acres	Change in place of use and change in point of diversion acres
4 N	26 E	WM	2	SE SW	2.5	
4 N	26 E	WM	2	SW SE	1.5	
4 N	26 E	WM	2	SE SE	6.5	
4 N	26 E	WM	3	SE SW	9.5	
4 N	26 E	WM	3	SW SE	22.0	
4 N	26 E	WM	3	SE SE	30.6	
4 N	26 E	WM	10	NE NE	6.0	
4 N	26 E	WM	10	SE NE	0.3	
4 N	26 E	WM	10	NE SE	0.2	
4 N	26 E	WM	10	SE SE	0.3	
4 N	26 E	WM	11	NE NE	37.9	
4 N	26 E	WM	11	NW NE	38.3	
4 N	26 E	WM	11	SW NE	38.5	
4 N	26 E	WM	11	SE NE	37.1	
4 N	26 E	WM	11	NE NW	37.6	
4 N	26 E	WM	11	NW NW	38.7	
4 N	26 E	WM	11	SW NW	34.9	
4 N	26 E	WM	11	SE NW	38.3	
4 N	26 E	WM	11	NE SW	37.0	
4 N	26 E	WM	11	NW SW	33.1	
4 N	26 E	WM	11	SW SW	32.6	
4 N	26 E	WM	11	SE SW	36.4	
4 N	26 E	WM	11	NE SE	37.1	
4 N	26 E	WM	11	NW SE	36.6	
4 N	26 E	WM	11	SW SE	38.1	
4 N	26 E	WM	11	SE SE	36.3	
4 N	26 E	WM	12	NE NW	35.4	
4 N	26 E	WM	12	NW NW	36.1	
4 N	26 E	WM	12	SW NW	37.5	
4 N	26 E	WM	12	SE NW	37.0	
4 N	26 E	WM	12	NE SW	35.2	
4 N	26 E	WM	12	NW SW	33.4	
4 N	26 E	WM	12	SW SW	39.2	
4 N	26 E	WM	12	SE SW	36.6	
4 N	26 E	WM	13	NE NW	36.4	
4 N	26 E	WM	13	NW NW	35.3	
4 N	26 E	WM	13	SW NW	31.7	
4 N	26 E	WM	13	SE NW	36.6	
4 N	26 E	WM	13	NE SW	35.1	
4 N	26 E	WM	13	NW SW	31.5	
4 N	26 E	WM	13	SW SW	30.6	
4 N	26 E	WM	13	SE SW	28.7	
4 N	26 E	WM	14	NE NE	7.9	
4 N	26 E	WM	14	NW NE	5.0	
4 N	26 E	WM	14	SE NE	0.1	
4 N	26 E	WM	14	NE NW	6.5	
4 N	26 E	WM	14	NE SE	0.3	
4 N	26 E	WM	14	SE SE	0.2	

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Change in place of use only acres	Change in place of use and change in point of diversion acres
4 N	26 E	WM	15	NE NE	26.6	
4 N	26 E	WM	15	NW NE	30.8	
4 N	26 E	WM	15	SW NE	35.7	
4 N	26 E	WM	15	SE NE	31.1	
4 N	26 E	WM	15	NE NW	27.5	
4 N	26 E	WM	15	NW NW	32.4	
4 N	26 E	WM	15	SW NW	35.4	
4 N	26 E	WM	15	SE NW	39.2	
4 N	26 E	WM	15	NE SW	9.6	
4 N	26 E	WM	15	NW SW	1.6	
4 N	26 E	WM	15	NW SE	6.9	
4 N	30 E	WM	22	SW NE		14.4
4 N	30 E	WM	22	SE NE		0.6
4 N	30 E	WM	22	NW SE		5.9
Totals					1756.1	20.9

7. Transfer Application T-11770 proposes to move the authorized point of diversion of 20.9 acres approximately 20.3 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

8. The second right to be transferred is as follows:

Certificate: 56158 in the name of DENNIS B. LOGAN; PRESIDENT WESTERN EMPIRES CORPORATION (perfected under Permit S-44511)
Use: IRRIGATION OF 1308.0 ACRES
Priority Date: MARCH 9, 1979
Rate: 32.7 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, shall be limited to ONE-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 N	26 E	WM	23	SE NE	1	600 FEET NORTH AND 230 FEET WEST FROM THE E ¹ / ₄ CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	26 E	WM	2	SW NE		15.2
4 N	26 E	WM	2	SE NE		17.4
4 N	26 E	WM	2	SE NW	10	4.9
4 N	26 E	WM	2	NE SW	11	38.4
4 N	26 E	WM	2	NW SW	16	25.4
4 N	26 E	WM	2	SW SW	13	40.0
4 N	26 E	WM	2	SE SW	14	39.8
4 N	26 E	WM	2	NE SE		40.0
4 N	26 E	WM	2	NW SE		40.0
4 N	26 E	WM	2	SW SE		38.4
4 N	26 E	WM	2	SE SE		40.0
4 N	26 E	WM	10	NE NW		40.0
4 N	26 E	WM	10	NW NW		39.0
4 N	26 E	WM	10	SW NW		37.6
4 N	26 E	WM	10	SE NW		38.2
4 N	26 E	WM	10	NE SW		34.9
4 N	26 E	WM	10	NW SW		37.6
4 N	26 E	WM	10	SW SW		37.6
4 N	26 E	WM	10	SE SW		34.1
4 N	26 E	WM	10	NW SE		37.8
4 N	26 E	WM	10	SW SE		34.7
4 N	26 E	WM	10	SE SE		37.7
4 N	26 E	WM	13	SW SW		5.4
4 N	26 E	WM	14	NE NE		34.2
4 N	26 E	WM	14	NW NE		34.9
4 N	26 E	WM	14	SW NE		37.9
4 N	26 E	WM	14	SE NE		37.5
4 N	26 E	WM	14	NE NW		34.0
4 N	26 E	WM	14	NW NW		37.1
4 N	26 E	WM	14	SW NW		37.3
4 N	26 E	WM	14	SE NW		36.9
4 N	26 E	WM	14	NE SW		34.3
4 N	26 E	WM	14	NW SW		38.2
4 N	26 E	WM	14	SW SW	1	13.7
4 N	26 E	WM	14	SE SW	3	27.4
4 N	26 E	WM	14	NE SE		37.3
4 N	26 E	WM	14	NW SE		34.4
4 N	26 E	WM	14	SW SE	5	33.6
4 N	26 E	WM	14	SE SE		36.5
4 N	26 E	WM	15	SE NE		5.6
4 N	26 E	WM	15	NE SE		3.1
					Total	1308.0

9. Transfer Application T-11770 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Change in place of use only acres	Change in place of use and change in point of diversion acres
4 N	26 E	WM	1	SW NW		2.5	
4 N	26 E	WM	1	NW SW		5.3	
4 N	26 E	WM	2	SW NE		7.4	
4 N	26 E	WM	2	SE NE		12.3	
4 N	26 E	WM	2	SE NW	10	3.8	
4 N	26 E	WM	2	NE SW	11	35.9	
4 N	26 E	WM	2	NW SW	16	21.0	
4 N	26 E	WM	2	SW SW	13	15.5	
4 N	26 E	WM	2	SE SW	14	36.3	
4 N	26 E	WM	2	NE SE		37.2	
4 N	26 E	WM	2	NW SE		38.5	
4 N	26 E	WM	2	SW SE		35.0	
4 N	26 E	WM	2	SE SE		29.3	
4 N	26 E	WM	3	SW SW		4.2	
4 N	26 E	WM	10	NE NW		32.1	
4 N	26 E	WM	10	NW NW		31.6	
4 N	26 E	WM	10	SW NW		37.9	
4 N	26 E	WM	10	SE NW		37.5	
4 N	26 E	WM	10	NE SW		34.5	
4 N	26 E	WM	10	NW SW		37.1	
4 N	26 E	WM	10	SW SW		34.6	
4 N	26 E	WM	10	SE SW		39.8	
4 N	26 E	WM	10	NW SE		31.5	
4 N	26 E	WM	10	SW SE		40.1	
4 N	26 E	WM	10	SE SE		36.7	
4 N	26 E	WM	11	NE NW		1.4	
4 N	26 E	WM	11	NW NW		0.1	
4 N	26 E	WM	11	SW SW		5.5	
4 N	26 E	WM	13	SW NW		6.5	
4 N	26 E	WM	13	NW SW		3.8	
4 N	26 E	WM	13	SW SW		4.2	
4 N	26 E	WM	14	NE NE		26.3	
4 N	26 E	WM	14	NW NE		29.9	
4 N	26 E	WM	14	SW NE		38.7	
4 N	26 E	WM	14	SE NE		38.3	
4 N	26 E	WM	14	NE NW		26.9	
4 N	26 E	WM	14	NW NW		36.3	
4 N	26 E	WM	14	SW NW		37.8	
4 N	26 E	WM	14	SE NW		38.1	
4 N	26 E	WM	14	NE SW		35.0	
4 N	26 E	WM	14	NW SW		39.2	
4 N	26 E	WM	14	SW SW	1	11.5	
4 N	26 E	WM	14	SE SW	3	26.0	
4 N	26 E	WM	14	NE SE		36.9	
4 N	26 E	WM	14	NW SE		34.4	
4 N	26 E	WM	14	SW SE	5	32.5	
4 N	26 E	WM	14	SE SE		35.8	

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Change in place of use only acres	Change in place of use and change in point of diversion acres
4 N	26 E	WM	15	NE NE		7.9	
4 N	26 E	WM	15	NW NE		7.1	
4 N	26 E	WM	15	SE NE		8.0	
4 N	26 E	WM	15	NE NW		7.8	
4 N	26 E	WM	15	NW NW		1.9	
4 N	26 E	WM	15	NE SE		1.8	
4 N	26 E	WM	15	NE SE		12.8	
4 N	26 E	WM	23	NE NE		14.3	
4 N	26 E	WM	23	NW NE		0.5	
4 N	26 E	WM	24	NW NW		4.6	
4 N	30 E	WM	5	SW SW			0.3
4 N	30 E	WM	6	SE SE			7.8
4 N	30 E	WM	7	NE NE			0.3
4 N	30 E	WM	22	SW NE			8.6
4 N	30 E	WM	22	SE NE			1.6
Totals						1289.4	18.6

10. Transfer Application T-11770 proposes to move the authorized point of diversion for 18.6 acres approximately 20.3 miles upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

11. The third right to be transferred is as follows:

Certificate: 64411 in the name of WESTERN EMPIRES CORPORATION; DENNIS B LOGAN, PRESIDENT (perfected under Permit S-48119)
Use: IRRIGATION OF 195.8 ACRES
Priority Date: SEPTEMBER 23, 1983
Rate: 4.9 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, shall be limited to ONE-FORTIETH 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 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	26 E	WM	23	SE NE	600 FEET NORTH AND 230 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	10	NE NE	40.0
4 N	26 E	WM	10	NW NE	40.0
4 N	26 E	WM	10	SW NE	38.1
4 N	26 E	WM	10	SE NE	39.2
4 N	26 E	WM	10	NE SE	38.5
Total					195.8

12. Transfer Application T-11770 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	10	NE NE	31.7
4 N	26 E	WM	10	NW NE	37.6
4 N	26 E	WM	10	SW NE	38.1
4 N	26 E	WM	10	SE NE	36.1
4 N	26 E	WM	10	NE NW	2.0
4 N	26 E	WM	10	SE NW	0.7
4 N	26 E	WM	10	NE SE	35.1
4 N	26 E	WM	10	NW SE	5.0
4 N	26 E	WM	11	SW NW	4.4
4 N	26 E	WM	11	NW SW	5.1
Total					195.8

13. The fourth right to be transferred is as follows:

Certificate: 76052 in the name of WESTERN EMPIRES CORPORATION (perfected under Permit S-43935)

Use: IRRIGATION OF 58.4 ACRES

Priority Date: APRIL 6, 1977

Rate: 1.46 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 ONE-FORTIETH 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 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	26 E	WM	23	SE NE	600 FEET NORTH AND 230 FEET WEST FROM THE E¼ CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	23	NE NE	10.1
4 N	26 E	WM	24	NE NW	35.3

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	24	NW NW	12.0
4 N	26 E	WM	24	SE NW	1.0
Total					58.4

14. Transfer Application T-11770 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	26 E	WM	13	SW SW	1.5
4 N	26 E	WM	13	SE SW	0.9
4 N	26 E	WM	24	NE NW	34.3
4 N	26 E	WM	24	NW NW	21.7
Total					58.4

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

Certificate: 87073 in the name of STANFIELD HUTTERIAN FARM, C/O JOHN STAHL; (perfected under Permit S-37833)

Use: IRRIGATION OF 94.9 ACRES

Priority Date: FEBRUARY 26, 1975

Rate: 1.260 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 a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	30 E	WM	8	SW NW	2910 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	30 E	WM	22	NW NE	13.2
4 N	30 E	WM	22	SW NE	38.9
4 N	30 E	WM	22	SE NE	1.4
4 N	30 E	WM	22	NE NW	6.0
4 N	30 E	WM	22	SE NW	25.6
4 N	30 E	WM	22	NE SW	2.7
4 N	30 E	WM	22	NW SE	7.1
Total					94.9

16. Transfer Application T-11770 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 N	30 E	WM	4	NE NE		1.9
4 N	30 E	WM	4	SW NE		4.9
4 N	30 E	WM	4	SE NE		8.0
4 N	30 E	WM	4	NE NW	2	0.7
4 N	30 E	WM	4	SE NW		2.0
4 N	30 E	WM	4	NE SE		0.7
4 N	30 E	WM	4	NW SE		2.7
4 N	30 E	WM	22	NW NE		13.2
4 N	30 E	WM	22	SW NE		17.8
4 N	30 E	WM	22	NE NW		6.2
4 N	30 E	WM	22	SE NW		27.8
4 N	30 E	WM	22	NE SW		4.6
4 N	30 E	WM	22	NW SE		4.4
Total						94.9

17. The Oregon Department of Fish and Wildlife has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

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

- 18. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 19. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-11770.
- 20. The proposed changes would not result in enlargement of the rights.
- 21. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

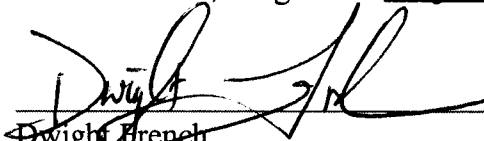
The change in points of diversion and change in places of use proposed in Transfer Application T-11770 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11770 is approved, the final order will include the following:

- 1. *The change in point of diversion and change in places of use proposed in Transfer Application T-11770 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 Certificates 52222, 56168, 64411, 76052, 87073, and any related decree.*
3. *Water right certificates 52222, 56168, 64411, 76052, and 87073 are cancelled. A new certificate will be issued describing that portion of Certificate 87073 not affected by this transfer.*
4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The water user shall operate and maintain an approved fish screen at the new point of diversion. If Oregon Department of Fish and Wildlife (ODFW) determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.*
6. *The former places of use of the transferred rights shall no longer receive water under the rights.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 8 day of December, 2014.


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@ 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.