



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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February 17, 2015

VIA E-MAIL

KENETH AND TINA GRASSMAN
PO BOX 393
CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-11846

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11846. 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 Lanaya.F.Blakely@ wrd.state.or.us or (503) 986-0888, if I may be of assistance.

Sincerely,

Lanaya Blakely
Transfer Specialist
Transfer and Conservation Section

cc: T-11846
Brian M. Mayer, District 12 Watermaster (*via e-mail*)
Dennis R. Glender, Agent for the applicant (*via e-mail*)
Scott D. Montgomery, CWRE #51324

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-11846, Lake County)	PROPOSING APPROVAL OF A
)	CHANGE IN POINTS OF
)	APPROPRIATION AND PLACES 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

KENETH AND TINA GRASSMAN
PO BOX 393
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On June 18, 2014, KENETH AND TINA GRASSMAN filed an application to change the points of appropriation and places of use under Certificates 64015 and 80436. The Department assigned the application number T-11846.
2. Notice of the application for transfer was published on June 24, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 4, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11846 the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 3, 2015, for the applicants to respond. The applicants 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.

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.

4. The portion of the first right to be transferred is as follows:

Certificate: 64015 in the name of TIMOTHY J. STRUBHAR (perfected under Permit G-9123)

Use: IRRIGATING 17.3 ACRES

Priority Date: DECEMBER 17, 1980

Rate: 0.217 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 within the FORT ROCK VALLEY BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	23	NW SW	2600 FEET NORTH AND 1160 FEET EAST FROM THE SW CORNER OF SECTION 23

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	23	NE SW	4.5
26 S	18 E	WM	23	NW SW	4.1
26 S	18 E	WM	23	SW SW	4.1
26 S	18 E	WM	23	SE SW	4.6

5. Transfer Application T-11846 proposes to move the authorized point of appropriation approximately 4.4 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	18 E	WM	5	SE SW	POA 3 - 1300 FEET NORTH AND 1340 FEET EAST FROM THE SW CORNER OF SECTION 5

6. Transfer Application T-11846 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	18 E	WM	5	SW SW	12.4
27 S	18 E	WM	5	SE SW	4.9

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

Certificate: 80436 in the name of ROBERT W. SIMPSON (perfected under Permit G-8841)
Use: IRRIGATION OF 19 ACRES
Priority Date: FEBRUARY 13, 1980
Rate: 0.24 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION DESCRIBED AS BEING WITHIN THE SW ¼ NW ¼, SECTION 15, TOWNSHIP 25 SOUTH, RANGE 14 EAST, W.M.; 820 FEET NORTH AND 100 FEET EAST FROM THE W ¼ CORNER OF SECTION 15)
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-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 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL within the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	18 E	WM	5	SW SW	996 FEET NORTH AND 223 FEET EAST FROM THE SW CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	18 E	WM	5	SW SW	19.0

8. Transfer Application T-11846 proposes to move the authorized point of appropriation approximately 0.23 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	18 E	WM	5	SE SW	1300 FEET NORTH AND 1340 FEET EAST FROM THE SW CORNER OF SECTION 5

9. Transfer Application T-11846 also proposes to change the place of use of the right within:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	18 E	WM	5	SW SW	19.0

Transfer Review Criteria (OAR 690-380-4010)

10. 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.

11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11846.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Determination and Proposed Action

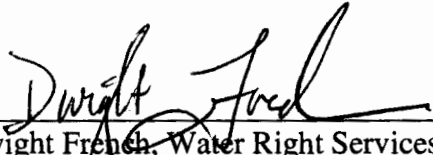
The change in points of appropriation and places of use proposed in Transfer Application T-11846 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11846 is approved, the final order will include the following:

1. *The change in points of appropriation and places of use proposed in Transfer Application T-11846 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 64015, 80436, and any related decree.*
3. *Water right certificates 64015 and 80436 are cancelled. A new certificate will be issued describing the portion of certificate 80436 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 points 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. *Each meter shall be within 50 feet of the well head with a clearly visible monument adjacent to the meter. If placing a meter within 50 feet of the well head is not possible, a surveyed location of the meter site shall be provided to the Department and clearly visible monument adjacent to the meter shall be installed.*

7. *Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). A tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID, the water user shall apply for one from the Department and attach it to the well within 60 days of the date the Final Order is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.*
8. *Dedicated Measuring Tube: Prior to use, all existing wells under this permit prior to any possible reconstruction shall be configured to allow a strictly clean water (no oil) static water level measurements with an electric-tape. That can include measurement access via an unobstructed vertical discharge pipe that allows the groundwater level to fluctuate freely within the discharge pipe (no valves, etc.). Otherwise, a dedicated measuring tube must be installed prior to use. The tube must be unobstructed, have a diameter of 3/4 inch (0.75 inch) or greater, and pursuant to figure 200-5 in OAR 690-200.*
9. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
10. *The former place of use of the transferred rights shall no longer receive water under the rights.*
11. *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.*
12. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 17 day of February 2015.



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

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

This Preliminary Determination was prepared by Lanaya Blakely. If you have question about the information in this document, you may reach me at (503) 986-0888 or Lanaya.F.Blakely@ wrd.state.or.us.