



# Oregon

John A. Kitzhaber, MD, Governor

**Water Resources Department**  
North Mall Office Building  
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Salem, OR 97301-1271  
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February 18, 2015

VIA E-MAIL

Threemile Canyon Farms LLC  
75906 Threemile Rd.  
Boardman, OR 97818

**SUBJECT: Water Right Transfer Application T-11830**

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11830. 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 LaGrande Observer 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 if I may be of assistance.

Sincerely,

Joan Smith  
Transfer Specialist  
Transfer and Conservation Section

cc: T-11830  
Shad L. Hattan, District 6 Watermaster (via e-mail)  
Molly Reid, Agent for the applicant (via e-mail)  
Theodore R. Ressler, CWRE # 78185 WRE (via e-mail)

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**Rate:** 5.85 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** May 1 through October 15  
**Source:** TWO WELLS in the GRANDE RONDE RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	38 E	WM	13	SW SW	PIERCE ROAD WELL – 1280 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 13
3 S	38 E	WM	14	NE SW	COOPER WELL – 2520 FEET NORTH AND 2769 FEET WEST FROM THE SE CORNER OF SECTION 14

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	38 E	WM	13	NE SW	40.0
3 S	38 E	WM	13	NW SW	39.1
3 S	38 E	WM	13	SW SW	38.2
3 S	38 E	WM	13	SE SW	39.1
3 S	38 E	WM	13	NE SE	40.0
3 S	38 E	WM	13	NW SE	40.0
3 S	38 E	WM	13	SW SE	36.6
3 S	38 E	WM	13	SE SE	39.1
3 S	38 E	WM	14	NE SE	39.1
3 S	38 E	WM	14	NW SE	40.0
3 S	38 E	WM	14	SW SE	39.1
3 S	38 E	WM	14	SE SE	38.2
Total					468.5

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

**Certificate:** 87023 in the name of THREEMILE CANYON FARMS LLC (perfected under Permit G-3362)  
**Use:** IRRIGATION of 609.2 ACRES  
**Priority Date:** JULY 7, 1966  
**Rate:** 2.81 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-EIGHTIETH 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL, tributary to MCALISTER SLOUGH

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	39 E	WM	18	NW SE	1509 FEET NORTH AND 443 FEET EAST FROM THE S1/4 CORNER OF SECTION 18

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	17	NE NW	38.6
3 S	39 E	WM	17	NW NW	39.8
3 S	39 E	WM	17	SW NW	39.6
3 S	39 E	WM	17	SE NW	39.1
3 S	39 E	WM	17	NE SW	39.1
3 S	39 E	WM	17	NW SW	39.4
3 S	39 E	WM	17	SW SW	38.2
3 S	39 E	WM	17	SE SW	38.4
3 S	39 E	WM	18	NE SW	39.4
3 S	39 E	WM	18	NW SW	36.8
3 S	39 E	WM	18	SW SW	35.3
3 S	39 E	WM	18	SE SW	37.8
3 S	39 E	WM	18	NE SE	39.3
3 S	39 E	WM	18	NW SE	40.0
3 S	39 E	WM	18	SW SE	29.7
3 S	39 E	WM	18	SE SE	38.7
Total					609.2

6. Transfer Application T-11830 proposes an additional point of appropriation to water right certificates 89059 and 87023, described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	39 E	WM	17	SE NW	1950 FEET SOUTH AND 2540 FEET EAST FROM THE NW CORNER OF SECTION 17

**Transfer Review Criteria (OAR 690-380-4010)**

7. 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.
8. 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-11830.
9. The proposed change would not result in enlargement of the rights.
10. The proposed change would not result in injury to other water rights
11. All other application requirements are met.

## **Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-11830 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-11830 is approved, the final order will include the following:*

- 1. The additional point of appropriation proposed in Transfer Application T-11830 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 Certificates 89059 and 87023 and any related decree.*
- 3. Water right certificates 89059 and 87023 are cancelled. A new certificate will be issued describing that portion of the rights not affected by this transfer.*
- 4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 5. Ground 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, 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 change 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 18 day of February 2015.



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

This preliminary determination was prepared by Joan Smith. If you have any questions about the information in this preliminary determination, you may reach me at 503-986-0892 or [Joan.M.SMITH@wrđ.state.or.us](mailto:Joan.M.SMITH@wrđ.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.*