



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

February 20, 2015

VIA E-MAIL

STIFFLER, LLC  
c/o CRAIG COLEMAN  
33896 EAST WALLS ROAD  
HERMISTON OR 97838

SUBJECT: Water Right Transfer Application T-11755

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11755. 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 503-986-0886 or [Patrick.K.Starnes@ wrd.state.or.us](mailto: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 file T-11755  
Greg Silbernagel, District 5 Watermaster (*via e-mail*)  
Bill Porfily, Agent for the applicant (*via e-mail*)  
Dale VanSchoiack, CWRE #333 (*via e-mail*)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11755, Morrow County	)	PROPOSING APPROVAL OF
	)	CHANGES IN 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**

Stiffler, LLC  
c/o Craig Coleman  
33896 East Walls Rd.  
Hermiston, OR 97838

**Findings of Fact**

1. On March 10, 2014, Stiffler, LLC, c/o Craig Coleman, filed an application to change the place of use under Certificates 56159 and 56160. The Department assigned the application number T-11755.
2. On February 3, 2015, Craig Coleman submitted a revised application and map to clarify the place of use of the "TO" lands.
3. Notice of the application for transfer was published on March 18, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

**Certificate:** 56159 in the name of HOMER G. PRICHARD (perfected under Permit G-6386)  
**Use:** IRRIGATION OF 47.6 ACRES  
**Priority Date:** FEBRUARY 12, 1976  
**Rate:** 0.60 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:** WELL #2 within the COLUMBIA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	10	SW SW	1310 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	10	SW SW	22.6
4 N	25 E	WM	10	SE SW	25.0
Total					47.6

5. Transfer Application T-11755 proposes to change the place of use to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	10	SW SW	12.0
4 N	25 E	WM	10	SE SW	35.6
Total					47.6

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

**Certificate:** 56160 in the name of HOMER G PRICHARD (perfected under Permit G-7065)  
**Use:** IRRIGATION OF 22.6 ACRES  
**Priority Date:** DECEMBER 23, 1976  
**Rate:** 0.28 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:** WELL #2 within the COLUMBIA RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	25 E	WM	10	SW SW	1310 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	9	SE SE	22.6

7. Transfer Application T-11755 proposes to change the place of use of the above described right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 N	25 E	WM	9	SE SE	17.6
4 N	25 E	WM	10	SW SW	5.0
Total					22.6

8. On January 28, 2015, the Department mailed a copy of the Preliminary Determination proposing to approve Transfer Application T-11755 to the applicant. The Preliminary Determination set forth a deadline of February 29, 2014 for the applicant to respond. On February 12, 2015, the agent for the applicant requested that the Department extend the completion date for the transfer to October 1, 2018. Also on February 12, 2015, the agent for 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.

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

9. Water has been used within the last five years prior to the submittal of Transfer Application T-11755 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.
10. A well, 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-11755.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

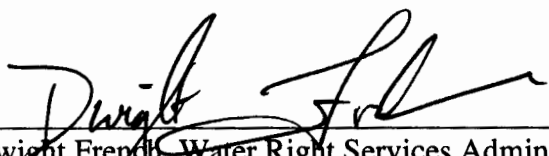
## Determination and Proposed Action

The changes in places of use proposed in Transfer Application T-11755 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-11755 is approved, the final order will include the following:

- 1. The changes in places of use proposed in Transfer Application T-11755 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 56159 and 56160 and any related decree.*
- 3. Water Right Certificates 56159 and 56160 are cancelled.*
- 4. The former places of use of the transferred rights shall no longer receive water under these rights.*
- 5. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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.*
- 7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 19 day of February, 2015.

  
Dwight French, Water Right Services Administrator, for  
Tom Byler/Director  
Oregon Water Resources Department

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@ wrd.state.or.us

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