



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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February 25, 2015

VIA E-MAIL

CHAYLON AND AMBER L. SHUFFIELD
PO BOX 85
SUMMER LAKE, OR 97640

SUBJECT: Water Right Transfer Application T-11911

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11911. 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 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-11911
Brian M. Mayer, District 12 Watermaster (via e-mail)
Darryl Anderson, CWRE #5 (via e-mail)

enclosure

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11911, Lake County	)	PROPOSING APPROVAL OF A CHANGE
	)	IN POINT OF APPROPRIATION AND
	)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicants

CHAYLON SHUFFIELD AND AMBER L. SHUFFIELD
PO BOX 85
SUMMER LAKE, OR 97640

Findings of Fact

1. On October 31, 2014, CHAYLON AND AMBER SHUFFIELD filed an application to change the point of appropriation and change the place of use under Certificate 54247. The Department assigned the application number T-11911.
2. Notice of the application for transfer was published on November 4, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 8, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11911 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of February 9, 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.
4. The portion of the right to be transferred is as follows:

Certificate:	54247 in the name of RUNNIN' W RANCH (perfected under Permit G-8707)
Use:	IRRIGATION of 7.34 ACRES
Priority Date:	JUNE 6, 1979
Rate:	0.09 CUBIC FOOT PER SECOND

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.

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 ANA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
30 S	17 E	WM	6	NW NE	2	970 FEET SOUTH AND 250 FEET EAST FROM THE N1/4 CORNER OF SECTION 6

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
30 S	17 E	WM	6	NW NE	2	7.34

5. Transfer Application T-11911 proposes to move the authorized point of appropriation approximately 5.6 miles northeast from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	17 E	WM	24	SE NW	SOUTH 43 DEGREES 40' 04" EAST 1923.52' FROM THE NW CORNER OF SECTION 24

6. Transfer Application T-11911 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
29 S	17 E	WM	24	NW NW	7.34

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 right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A handline system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-11911.
9. The proposed change would not result in enlargement of the right.
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 change in point of appropriation and change in place of use proposed in Transfer Application T-11911 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-11911 is approved, the final order will include the following:

- 1. The change in point of appropriation and change in place of use proposed in Transfer Application T-11911 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 Certificate 54247 and any related decree.*
- 3. Water right Certificate 54247 is cancelled. A new certificate will be issued describing that portion of the right 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 point 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 new point of appropriation.*
 - b. The water user shall maintain the meter or measuring device in good working order.*
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 6. 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 tag), which shall be permanently attached to the well. 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.*
- 7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 8. The former place of use of the transferred right shall no longer receive water under the right.*

9. *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.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 24 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 Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@wrд.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.