



Oregon
Kate Brown, Governor

Water Resources Department
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June 11, 2015

VIA E-MAIL

SHAWN SORENSEN
80852 SOUTH VALLEY ROAD
DUFUR, OR 97021

SUBJECT: Water Right Transfer Application T-11775

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11775. 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 Dallas Chronicle 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 file T-11775
Robert Wood, District 3 Watermaster (*via e-mail*)
Larry M. Toll, CWRE #132 (*via e-mail*)

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Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not to exceed 3.0 acre-feet per acre in any irrigation season.

Source: FIFTEEN MILE CREEK, tributary to the COLUMBIA RIVER

Authorized Place of Use:

IRRIGATION – TRACT NO. 1 (1890)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NW NE	1.0
2 S	12 E	WM	12	NE NW	10.0

IRRIGATION – TRACT NO. 2 (1903)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NE NW	2.8
2 S	12 E	WM	12	SE NW	2.2

5. Certificate 5595 does not describe the point of diversion location that serves these lands on both sides of Fifteen Mile Creek. However, the Department’s January, 1956 adjudication map identifies diversion dam structures and ditches within the NE¼ NW¼, Section 12, and within the SE¼ SE¼, Section 11, both within T 2 S, R 12 E, W.M. In addition, information is available from the current Certified Water Rights Examiner’s map based on a recent field visit and subsequent survey and the Department’s Final Proof Survey Map for Water Right Permit S-35992 indicating that the original points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	ABNET DITCH NO. 1 AND ABNET DITCH NO. 2
2 S	12 E	WM	11	SW SE	LITTLE DITCH – 100 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF SECTION 11

6. Transfer Application T-11775 proposes an additional point of diversion downstream from the upper diversion approximately 5300 feet located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	1075 FEET SOUTH AND 2065 FEET EAST FROM THE NW CORNER OF SECTION 12

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

Certificate: 5622 in the name of ANNA & HARRY W. DEAN (confirmed by Fifteen Mile Creek decree)

Use: IRRIGATION OF 7.5 ACRES

Priority Date: 1877

Limit/Duty: The amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not to exceed 3.0 acre-feet per acre in any irrigation season.

Source: FIFTEEN MILE CREEK, tributary to the COLUMBIA RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NW NE	7.5

8. Certificate 5622 does not describe the point of diversion location that serves the lands. However, the Department's January, 1956 adjudication map identifies diversion dam structures and ditches within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, both within T 2 S, R 12 E, W.M. which serves this land. In addition, information is available from the current Certified Water Rights Examiner's map based on a recent field visit and subsequent survey and the Department's Final Proof Survey Map for Water Right Permit S-35992 indicating that the original points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	11	SW SE	LITTLE DITCH – 100 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF SECTION 11

9. Transfer Application T-11775 proposes an additional point of diversion downstream approximately 5300 feet located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	1075 FEET SOUTH AND 2065 FEET EAST FROM THE NW CORNER OF SECTION 12

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

Certificate: 47329 in the name of WILBUR WEST & CHARLOTTE WEST
(perfected under S-35992)
Use: IRRIGATION OF 8.5 ACRES
Priority Date: FEBRUARY 25, 1971
Rate: 0.11 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 not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: FIFTEEN MILE CREEK, tributary to the COLUMBIA RIVER

Authorized Point of Diversion

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	11	SW SE	100 FEET NORTH AND 1380 FEET WEST FROM THE SE CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	12 E	WM	12	NW NE	8.4
2 S	12 E	WM	12	NW NW	0.1

11. Transfer Application T-11775 proposes an additional point of diversion downstream approximately 5300 feet located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	12 E	WM	12	NE NW	1075 FEET SOUTH AND 2065 FEET EAST FROM THE NW CORNER OF SECTION 12

12. The Oregon Department of Fish and Wildlife (ODFW) 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 not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

13. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. Diversion structures and ditches 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-11775.
15. The proposed change would not result in enlargement of the rights.
16. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The additional points of diversion proposed in Transfer Application T-11775 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-11775 is approved, the final order will include the following:

1. *The additional points of diversion proposed in Transfer Application T-11775 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 5595, 5622 and 47329, and any related decree.*
3. *Water Right Certificates 5595, 5622, and 47329 are cancelled.*
4. *The quantity of water diverted at the new additional point of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*

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 the new point of diversion.*
- 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 are located within a private structure, the Watermaster shall request access upon reasonable notice.*

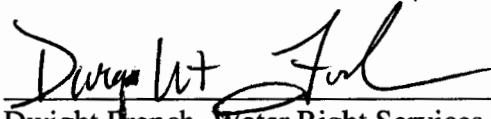
6. *Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*

The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If 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.

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 11 day of June, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. 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 Water Rights Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.