



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

August 7, 2015

DITCHEN BERRY FARM, LLC
9712 NUSOM RD
SILVERTON, OR 97381

SUBJECT: Water Right Transfer Application T-11926

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11926. 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 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-11926
Joel M. Plahn, District 16 Watermaster (*via e-mail*)
James M. Schuette, Agent for the applicant (*via e-mail*)

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

Certificate: 79717 in the name of KRAEMER FARMS (perfected under Permit G-11688)
Use: IRRIGATION of 57.1 ACRES
Priority Date: JUNE 19, 1990
Rate: 0.25 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, 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: March 1 through October 31
Source: STETSON WELL within the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 E	WM	3	NW SE	37	1930 FEET NORTH AND 1960 FEET EAST FROM THE SW CORNER OF BURBAGE DLC 37

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	3	SW NE	37	3.3
6 S	1 E	WM	3	SE NW	37	10.1
6 S	1 E	WM	3	NE SW	37	23.1
6 S	1 E	WM	3	SE SW	37	9.4
6 S	1 E	WM	3	NW SE	37	7.3
6 S	1 E	WM	3	SW SE	37	3.9

6. Transfer Application T-11926 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
6 S	1 E	WM	3	NE SW	WELL 2: 1960 FEET NORTH AND 780 FEET EAST FROM THE SW CORNER OF DLC 37

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 pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11926.
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 proposed in Transfer Application T-11926 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-11926 is approved, the final order will include the following:

- 1. The change in point of appropriation proposed in Transfer Application T-11926 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 Certificate 79717 and any related decree.*
- 3. Water right Certificate 79717 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 shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 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, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 7 day of August, 2015.



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

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.

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