



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

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October 19, 2015

VIA E-MAIL

BOHLENDER COLORADO FARMS LLC
PO BOX 207
ONTARIO, OR 97914

SUBJECT: Water Right Transfer Application T-11978

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11978. 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@wrд.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application file T-11978
Ron Jacobs, District 9 Watermaster (*via e-mail*)
Steve Applegate, Steven P. Applegate Consulting, Agent for the applicant (*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-11978, Malheur County) **PROPOSING APPROVAL OF**
) **CHANGES IN PLACE OF USE**

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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.

Applicant

BOHLENDER COLORADO FARMS LLC
PO BOX 207
ONTARIO OR 97914

Findings of Fact

1. On February 6, 2015, BOHLENDER COLORADO FARMS LLC filed an application for changes in place of use under Certificates 84862, 84863, 84866, 84867, and 85585. The Department assigned the application number T-11978.
2. Notice of the application for transfer was published on February 17, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 2, 2015, a deficiency letter was sent to the applicant and the applicant’s agent, Steven Applegate Consulting, outlining deficiencies in the acreage descriptions between the transfer application form and transfer application map.
4. On April 17, 2015, a temporary drought transfer application was filed proposing temporary changes in place of use for the same lands proposed in Transfer Application T-11978. The Department assigned the application number T-12037.
5. On June 9, 2015, the Department approved Temporary Drought Transfer Application T-12037. Transfer Application T-12037 will remain in effect until the end of the 2015 irrigation season or the end of the Governor’s declared drought, whichever occurs first.
6. On April 17, 2015, the applicant amended the deficiencies described in the deficiency letter of April 2, 2015.

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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7. On August 21, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11978 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 21, 2015, for the applicant to respond. The applicant requested to amend the transfer application and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
8. On October 6, 2015, the applicant submitted an amended transfer application and maps.
9. On October 16, 2015, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-11978 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 16, 2015, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
10. The portion of the first right to be transferred is as follows:

Certificate: 84862 in the name of LARSON LAND CO. LLC dba LARSON SKYLINE FARMS PARTNERSHIP (perfected under Permit S-31231)

Use: IRRIGATION OF 365.4 ACRES

Priority Date: JUNE 27, 1966

Rate: 4.833 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 1/75.61 of one cfs, 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.

Source: SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
17 S	47 E	WM	21	NE NW	1	350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	2	NE SW	5.5
17 S	46 E	WM	2	SE SW	5.6
17 S	46 E	WM	2	NW SE	2.0
17 S	46 E	WM	2	SW SE	1.1
17 S	46 E	WM	2	SE SE	1.7
17 S	46 E	WM	11	NE NE	0.5
17 S	46 E	WM	11	NW NE	20.3
17 S	46 E	WM	11	SW NE	9.9
17 S	46 E	WM	11	SE NE	12.4
17 S	46 E	WM	11	NE NW	5.7
17 S	46 E	WM	11	NE SW	4.8
17 S	46 E	WM	11	SW SW	6.5
17 S	46 E	WM	11	NE SE	3.1
17 S	46 E	WM	11	NW SE	6.6

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	11	SW SE	4.9
17 S	46 E	WM	11	SE SE	9.2
17 S	46 E	WM	12	SW NE	6.6
17 S	46 E	WM	12	SW NW	9.2
17 S	46 E	WM	12	SE NW	5.3
17 S	46 E	WM	12	NW SW	4.6
17 S	46 E	WM	12	SW SW	0.2
17 S	46 E	WM	13	NW SW	2.6
17 S	46 E	WM	14	NW NE	12.5
17 S	46 E	WM	14	SW NE	7.0
17 S	46 E	WM	14	NE NW	0.1
17 S	46 E	WM	14	NW NW	5.7
17 S	46 E	WM	14	SE NW	1.6
17 S	46 E	WM	14	NW SW	7.1
17 S	46 E	WM	14	SW SW	8.1
17 S	46 E	WM	15	NE NE	5.3
17 S	46 E	WM	15	NW NE	8.8
17 S	46 E	WM	15	SW NE	6.8
17 S	46 E	WM	15	SE NE	7.4
17 S	46 E	WM	15	SW NW	1.2
17 S	46 E	WM	15	SE NW	3.0
17 S	46 E	WM	15	NE SW	8.7
17 S	46 E	WM	15	NW SW	6.5
17 S	46 E	WM	15	SW SW	5.7
17 S	46 E	WM	15	SE SW	8.8
17 S	46 E	WM	15	NE SE	5.3
17 S	46 E	WM	15	NW SE	4.9
17 S	46 E	WM	15	SW SE	6.8
17 S	46 E	WM	15	SE SE	4.6
17 S	46 E	WM	16	NE SW	12.6
17 S	46 E	WM	16	NW SW	4.3
17 S	46 E	WM	16	SW SW	6.5
17 S	46 E	WM	16	SE SW	2.5
17 S	46 E	WM	16	NE SE	19.4
17 S	46 E	WM	16	NW SE	2.8
17 S	46 E	WM	16	SE SE	2.0
17 S	46 E	WM	17	SE SE	15.9
17 S	46 E	WM	21	NW NE	1.7
17 S	46 E	WM	21	SW NE	4.3
17 S	46 E	WM	21	SE NE	8.2
17 S	46 E	WM	21	NE NW	16.4
17 S	46 E	WM	21	NW NW	0.6
17 S	46 E	WM	21	SE NW	0.6
17 S	46 E	WM	21	NE SW	0.4
17 S	46 E	WM	21	NE SE	9.8
17 S	46 E	WM	21	NW SE	3.2
Total					365.4

11. Transfer Application T-11978 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	1	SW SW	27.2
17 S	46 E	WM	1	SE SW	16.2
17 S	46 E	WM	1	SW SE	6.2
17 S	46 E	WM	2	SW NW	4.3
17 S	46 E	WM	2	SE NW	9.9
17 S	46 E	WM	2	NE SW	18.2
17 S	46 E	WM	2	NW SW	13.4
17 S	46 E	WM	2	NE SE	3.4
17 S	46 E	WM	2	NW SE	8.7
17 S	46 E	WM	2	SE SE	13.2
17 S	46 E	WM	9	SW NE	22.0
17 S	46 E	WM	9	SE NE	31.5
17 S	46 E	WM	9	NE SE	11.3
17 S	46 E	WM	12	NW NE	21.8
17 S	46 E	WM	12	NE NW	29.6
17 S	46 E	WM	12	NW NW	19.8
17 S	46 E	WM	12	NE SW	24.7
17 S	46 E	WM	12	NW SW	9.7
17 S	46 E	WM	13	NW NE	5.8
17 S	46 E	WM	13	NW SW	1.9
17 S	46 E	WM	14	SE NW	0.4
17 S	46 E	WM	15	NW NW	14.9
17 S	46 E	WM	15	SE NW	1.1
17 S	46 E	WM	20	NE NE	15.7
17 S	46 E	WM	20	SE NE	6.4
17 S	46 E	WM	21	SE NW	3.3
17 S	46 E	WM	33	NW NE	24.8
Total					365.4

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

Certificate: 84863 in the name of LARSON LAND CO. LLC dba LARSON SKYLINE FARMS PARTNERSHIP (perfected under Permit S-31231)

Use: IRRIGATION OF 62.4 ACRES

Priority Date: JUNE 27, 1966

Rate: 0.825 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 1/75.61 of one cfs, 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.

Source: SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
17 S	47 E	WM	21	NE NW	1	350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	22	SW SE	6.9
17 S	46 E	WM	23	SW SW	4.2
17 S	46 E	WM	23	SW SE	0.8
17 S	46 E	WM	26	SW NE	15.7
17 S	46 E	WM	26	NE NW	0.7
17 S	46 E	WM	26	NW NW	4.4
17 S	46 E	WM	26	SW NW	17.0
17 S	46 E	WM	26	SE NW	0.8
17 S	46 E	WM	27	NW NE	1.3
17 S	46 E	WM	27	SW NE	8.4
17 S	46 E	WM	27	SE NE	2.2
Total					62.4

13. Transfer Application T-11978 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	13	NE NW	30.4
17 S	46 E	WM	13	SW NW	30.1
17 S	46 E	WM	22	SW SW	1.9
Total					62.4

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

Certificate: 84866 in the name of LARSON LAND CO. LLC dba LARSON SKYLINE FARMS PARTNERSHIP (perfected under Permit S-33944)
Use: IRRIGATION OF 178.6 ACRES
Priority Date: OCTOBER 25, 1968
Rate: 2.362 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 1/75.61 of one cfs, 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 to OCTOBER 31 of each year.
Source: SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
17 S	47 E	WM	21	NE NW	1	350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	20	SE SE	8.3
17 S	46 E	WM	21	SW SW	7.4
17 S	46 E	WM	21	SE SW	36.1
17 S	46 E	WM	21	SW SE	11.9
17 S	46 E	WM	21	SE SE	13.3
17 S	46 E	WM	28	NE NE	13.4
17 S	46 E	WM	28	NW NE	6.7
17 S	46 E	WM	28	SW NE	3.8
17 S	46 E	WM	28	SE NE	5.0
17 S	46 E	WM	28	NE NW	16.7
17 S	46 E	WM	28	NW NW	8.1
17 S	46 E	WM	28	SE NW	5.5
17 S	46 E	WM	28	NE SW	7.2
17 S	46 E	WM	28	NW SW	4.5
17 S	46 E	WM	28	NE SE	8.3
17 S	46 E	WM	28	NW SE	2.7
17 S	46 E	WM	29	NE NE	5.0
17 S	46 E	WM	29	SE NE	8.2
17 S	46 E	WM	29	NE SE	6.5
Total					178.6

15. Transfer Application T-11978 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	20	NE SE	3.1
17 S	46 E	WM	20	SE SE	3.5
17 S	46 E	WM	21	NE SW	36.8
17 S	46 E	WM	21	SW SW	1.0
17 S	46 E	WM	26	NW SW	36.9
17 S	46 E	WM	26	SW SW	9.8
17 S	46 E	WM	26	SE SW	5.3
17 S	46 E	WM	27	NE SW	26.0
17 S	46 E	WM	27	NW SW	16.0
17 S	46 E	WM	27	NE SE	25.9
17 S	46 E	WM	27	NW SE	14.3
Total					178.6

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

Certificate: 84867 in the name of LARSON LAND CO. LLC dba LARSON SKYLINE FARMS PARTNERSHIP (perfected under Permits S-31231, S-33944, S-33945, and S-33946)

Use: IRRIGATION OF 359.0 ACRES

Priority Date: JUNE 27, 1966, OCTOBER 25, 1968

Rate: 4.748 CUBIC FEET PER SECOND (CFS), BEING 1.396 CFS UNDER THE JUNE 27, 1966 PRIORITY DATE AND 3.352 CFS UNDER THE OCTOBER 25, 1968 PRIORITY DATE.

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 1/75.61 of one cfs, 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.

Source: SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	47 E	WM	21	NE NW	350 FEET SOUTH AND 1980 FEET EAST FROM THE NW CORNER OF SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	4	SW SE	1.3
17 S	46 E	WM	9	NE NE	0.8
17 S	46 E	WM	9	NW NE	4.3
17 S	46 E	WM	9	NE NW	3.3
17 S	46 E	WM	9	NW NW	6.0
17 S	46 E	WM	10	NE NW	6.6
17 S	46 E	WM	10	NW NW	1.1
17 S	46 E	WM	10	SW NW	10.7
17 S	46 E	WM	10	SE NW	3.9
17 S	46 E	WM	10	NE SW	8.1
17 S	46 E	WM	10	NW SW	10.8
17 S	46 E	WM	10	SE SW	2.0
17 S	46 E	WM	10	SW SE	1.0
17 S	46 E	WM	15	NW NW	3.1
17 S	46 E	WM	15	SW NW	4.1
17 S	46 E	WM	16	NE NE	2.8
17 S	46 E	WM	16	SW NE	2.0
17 S	46 E	WM	16	SE NE	1.4
17 S	46 E	WM	16	NW NW	1.0
17 S	46 E	WM	16	SW NW	8.7
17 S	46 E	WM	16	SE NW	6.7
17 S	46 E	WM	17	NW NE	0.8
17 S	46 E	WM	17	SW NE	0.2
17 S	46 E	WM	17	SE NE	8.8
17 S	46 E	WM	26	SW SW	0.7
17 S	46 E	WM	27	SW SW	9.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	27	SE SW	5.9
17 S	46 E	WM	27	SW SE	3.6
17 S	46 E	WM	28	NE SW	2.0
17 S	46 E	WM	28	SW SW	2.7
17 S	46 E	WM	28	SE SW	6.1
17 S	46 E	WM	28	NE SE	4.6
17 S	46 E	WM	28	SE SE	8.1
17 S	46 E	WM	29	SE SE	11.9
17 S	46 E	WM	32	SE SE	4.1
17 S	46 E	WM	33	SW SW	16.0
17 S	46 E	WM	33	SE SW	6.8
17 S	46 E	WM	33	SW SE	9.0
17 S	46 E	WM	33	SE SE	10.6
17 S	46 E	WM	34	NE NE	1.5
17 S	46 E	WM	34	NW NE	13.6
17 S	46 E	WM	34	SW NE	8.9
17 S	46 E	WM	34	NE NW	9.4
17 S	46 E	WM	34	SE SW	1.4
17 S	46 E	WM	34	NE SE	12.1
17 S	46 E	WM	34	SW SE	5.1
17 S	46 E	WM	34	SE SE	7.7
17 S	46 E	WM	35	NW NW	10.6
17 S	46 E	WM	35	SW NW	4.4
17 S	46 E	WM	35	NW SW	12.5
18 S	46 E	WM	3	NE NE	8.7
18 S	46 E	WM	3	NW NE	1.1
18 S	46 E	WM	3	SW NE	10.6
18 S	46 E	WM	3	NW NW	9.4
18 S	46 E	WM	3	SW NW	4.3
18 S	46 E	WM	3	SE NW	10.0
18 S	46 E	WM	3	NE SW	0.9
18 S	46 E	WM	3	NW SW	7.8
18 S	46 E	WM	4	NE NE	9.9
18 S	46 E	WM	4	NW NE	3.8
18 S	46 E	WM	4	NE NW	4.0
Total					359.0

17. Certificate 84867 contains a scrivener's error in the total number of acres authorized under the right. The certificate says there is 1839.9 acres total, but the total of all acres described in the certificate are 1839.97 acres.

18. Transfer Application T-11978 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	3	SW SW	14.3
17 S	46 E	WM	4	SW SW	1.9
17 S	46 E	WM	4	SE SW	1.6
17 S	46 E	WM	4	SW SE	4.3
17 S	46 E	WM	4	SE SE	21.0
17 S	46 E	WM	10	SE SW	1.1
17 S	46 E	WM	10	SW SE	6.1
17 S	46 E	WM	16	NW NE	2.5
17 S	46 E	WM	16	SW NE	1.9
17 S	46 E	WM	16	SE NE	0.2
17 S	46 E	WM	16	NE NW	4.8
17 S	46 E	WM	16	NW NW	3.2
17 S	46 E	WM	17	NE NE	1.7
17 S	46 E	WM	17	NW NE	5.6
17 S	46 E	WM	17	SW NE	0.7
17 S	46 E	WM	17	SE NE	2.2
17 S	46 E	WM	26	SW SW	0.2
17 S	46 E	WM	27	NW SW	2.3
17 S	46 E	WM	27	SE SE	4.9
17 S	46 E	WM	28	NE SW	3.9
17 S	46 E	WM	28	NW SW	1.9
17 S	46 E	WM	29	NE SE	2.2
17 S	46 E	WM	29	NW SE	0.5
17 S	46 E	WM	33	NE NE	25.3
17 S	46 E	WM	34	NW NW	29.9
17 S	46 E	WM	34	SW NW	12.3
17 S	46 E	WM	34	SE SW	13.9
17 S	46 E	WM	34	NE SE	0.8
17 S	46 E	WM	34	NW SE	9.2
18 S	46 E	WM	3	SE NW	0.6
18 S	46 E	WM	3	NE SW	1.7
18 S	46 E	WM	4	SW NE	36.2
18 S	46 E	WM	4	SE NE	36.9
18 S	46 E	WM	4	NW NW	18.8
18 S	46 E	WM	4	SE NW	18.8
18 S	46 E	WM	4	NE SW	27.1
18 S	46 E	WM	4	NE SE	13.1
18 S	46 E	WM	4	NW SE	25.4
Total					359.0

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

Certificate: 85585 in the name of LARSON LAND CO. LLC dba LARSON SKYLINE FARMS PARTNERSHIP (perfected under Permit S-33944)
Use: IRRIGATION OF 52.8 ACRES
Priority Date: OCTOBER 25, 1968
Rate: 0.698 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 1/75.61 of one cfs, 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.
Source: SNAKE RIVER, tributary to the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
17 S	47 E	WM	21	NE NW	1	350 FEET SOUTH AND 1980 FEET EAST FROM NW CORNER, SECTION 21

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	10	NE SW	4.7
17 S	46 E	WM	10	SW SW	1.0
17 S	46 E	WM	10	NE SE	5.0
17 S	46 E	WM	10	NW SE	14.1
17 S	46 E	WM	10	SW SE	2.0
17 S	46 E	WM	11	NW NW	4.3
17 S	46 E	WM	11	SW NW	0.5
17 S	46 E	WM	11	NW SW	9.9
17 S	46 E	WM	14	SE SE	5.1
17 S	46 E	WM	21	SW NW	6.2
Total					52.8

20. Transfer Application T-11978 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	46 E	WM	9	NW SE	1.1
17 S	46 E	WM	10	SW SW	15.8
17 S	46 E	WM	10	NE SE	0.9
17 S	46 E	WM	10	SW SE	0.6
17 S	46 E	WM	11	NW SW	2.0
17 S	46 E	WM	13	NW NW	6.1
17 S	46 E	WM	15	NE NW	10.2
17 S	46 E	WM	21	SW NW	8.6
17 S	46 E	WM	21	NW SW	7.5
Total					52.8

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

21. 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 rights are subject to forfeiture under ORS 540.610.
22. 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-11978.
23. The proposed change would not result in enlargement of the rights.
24. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

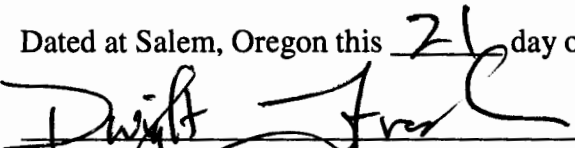
The changes in place of use proposed in Transfer Application T-11978 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11978 is approved, the final order will include the following:

1. *The changes in place of use proposed in Transfer Application T-11978 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 84862, 84863, 84866, 84867, and 85585, and any related decree.*
3. *Water right Certificates 84862, 84863, 84866, 84867, and 85585, are cancelled. New certificates will be issued describing those portions of these rights not affected by this transfer.*
4. *The former places of use of the transferred rights shall no longer receive water under the rights.*
5. *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.*

6. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 21 day of October, 2015.



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

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