



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

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November 20, 2015

SILVER LAKE IRRIGATION DISTRICT
PO BOX 69
SILVER LAKE, OR 97638

SUBJECT: Water Right Transfer Application T-11912

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11912. 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 503-986-0890 or Sarah.A.Henderson@ wrd.state.or.us if I may be of assistance.

Sincerely,

Sarah Henderson

Transfer Specialist
Transfer and Conservation Section

cc: T-11912
Brian M. Mayer, District 12 Watermaster (via e-mail)
Scott D. Montgomery, 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-11912, Lake County)	PROPOSING APPROVAL OF
)	ADDITIONAL POINTS OF
)	APPROPRIATION, CHANGES IN
)	PLACE OF USE AND DIMINISHMENT
)	OF A WATER RIGHT CERTIFICATE

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

SILVER LAKE IRRIGATION DISTRICT
PO BOX 69
SILVER LAKE, OR 97638

Findings of Fact

1. On November 3, 2014, SILVER LAKE IRRIGATION DISTRICT, filed an application for additional points of appropriation and to change the places of use under Certificates 76041, 76042 and 81395 and to change the places of use under Certificates 53852, 89343 and 89344. The Department assigned the application number T-11912.
2. Notice of the application for transfer was published on November 11, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 24, 2015, the Department contacted the applicant's agent, Scott Montgomery, by written correspondence to notify them of deficiencies in the application. The deficiencies being place of use corrections on the application tables and application maps, and an Affidavit for Partial Diminution of a water right certificate.
4. On June 25 and August 20, 2015, the applicant's agent submitted amended application pages, maps and an Affidavit for Partial Diminishment, resolving the deficiencies.
5. On August 21, 2015, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11912 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 21, 2015, for the applicant to

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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respond. 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.

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

Certificate: 53852 in the name of SILVER LAKE IRRIGATION DISTRICT; ZX RANCH, c/o Lawrence Iverson (perfected under Permit S-46368)
Use: IRRIGATION of 40.0 ACRES
Priority Date: JANUARY 21, 1981
Rate: 120.0 ACRE FEET stored water only
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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year from Thompson Valley, Valley Reservoir.
Source: THOMPSON VALLEY RESERVOIR, constructed under Permits R-680 and R-4461, tributary of SILVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	14 E	WM	17	SE SW	600 FEET NORTH AND 1700 FEET EAST FROM THE SW CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	27	NE NW	24.8
28 S	14 E	WM	27	SE NW	15.2
Total					40.0

7. Transfer Application T-11912 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	35	SW NE	2.0
28 S	14 E	WM	35	SE NW	27.2
28 S	14 E	WM	35	NE SW	10.8
Total					40.0

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

Certificate: 76041 in the name of Z X RANCH (perfected under Permit G-8121)
Use: SUPPLEMENTAL IRRIGATION of 185.71 ACRES
Priority Date: APRIL 4, 1978
Rate: 2.32 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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Source: WELLS 2 AND 3, in the SILVER LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 E	WM	26	NW NE	WELL 2 - 728 FEET SOUTH AND 3144 FEET EAST FROM THE NW CORNER OF SECTION 26
28 S	14 E	WM	25	NW NW	WELL 3 - 688 FEET SOUTH AND 1166 FEET EAST FROM THE NW CORNER OF SECTION 25

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	25	SW NW	38.20
28 S	14 E	WM	25	SE NW	12.79
28 S	14 E	WM	25	NE SW	35.13
28 S	14 E	WM	25	NW SW	39.00
28 S	14 E	WM	25	SW SW	30.70
28 S	14 E	WM	25	SE SW	29.89
Total					185.71

9. Transfer Application T-11912 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	NE SW	31.40
28 S	14 E	WM	23	NW SW	25.90
28 S	14 E	WM	23	SW SW	37.40
28 S	14 E	WM	23	SE SW	39.50
28 S	14 E	WM	23	NW SE	5.41
28 S	14 E	WM	23	SW SE	15.70
28 S	14 E	WM	26	NE NW	18.50
28 S	14 E	WM	26	NW NW	11.90
Total					185.71

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

Certificate: 76042 in the name of Z X RANCH (perfected under Permit G-6051)

Use: SUPPLEMENTAL IRRIGATION of 101.57 ACRES

Priority Date: MARCH 5, 1974

Rate: 1.27 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 ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The portion of this right for supplemental irrigation is limited to any deficiency in the available supply of any prior right existing for the same land.

Source: WELLS 2 AND 3, in the SILVER LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 E	WM	26	NW NE	WELL 2 - 728 FEET SOUTH AND 3144 FEET EAST FROM THE NW CORNER OF SECTION 26
28 S	14 E	WM	25	NW NW	WELL 3 - 688 FEET SOUTH AND 1166 FEET EAST FROM THE NW CORNER OF SECTION 25

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	25	NE NW	33.81
28 S	14 E	WM	25	NW NW	37.50
28 S	14 E	WM	25	SE NW	22.44
28 S	14 E	WM	26	NE NE	7.82
Total					101.57

11. Transfer Application T-11912 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	NE SW	3.00
28 S	14 E	WM	23	SE SW	0.50
28 S	14 E	WM	23	NE SE	25.70
28 S	14 E	WM	23	NW SE	28.29
28 S	14 E	WM	23	SW SE	5.30
28 S	14 E	WM	23	SE SE	36.30
28 S	14 E	WM	24	SW SW	0.60
28 S	14 E	WM	26	NE NE	1.88
Total					101.57

12. The fourth right to be transferred is as follows:

Certificate: 81395 in the name of JR SIMPLOT COMPANY REVOCABLE TRUST (perfected under Permit G-6670)

Use: IRRIGATION of 3.77 ACRES AND SUPPLEMENTAL IRRIGATION of 180.7 ACRES

Priority Date: SEPTEMBER 23, 1974

Rate: 2.31 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 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: WELLS 2 AND 3, in the SILVER LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 E	WM	26	NW NE	WELL 2 - 728 FEET SOUTH AND 3144 FEET EAST FROM THE NW CORNER OF SECTION 26
28 S	14 E	WM	25	NW NW	WELL 3 - 688 FEET SOUTH AND 1166 FEET EAST FROM THE NW CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	26	SW SE	0.56
28 S	14 E	WM	26	SE SE	3.21
Total					3.77

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	26	NE NE	29.58
28 S	14 E	WM	26	NW NE	18.47
28 S	14 E	WM	26	SW NE	29.30
28 S	14 E	WM	26	SE NE	38.20
28 S	14 E	WM	26	SE NW	0.11
28 S	14 E	WM	26	NE SW	0.20
28 S	14 E	WM	26	NE SE	31.00
28 S	14 E	WM	26	NW SE	33.84
Total					180.70

13. Transfer Application T-11912 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	SW SE	12.10
28 S	14 E	WM	23	SE SE	3.30
28 S	14 E	WM	26	NE NE	9.00
28 S	14 E	WM	26	NW NE	1.40
28 S	14 E	WM	26	SW NE	0.47
28 S	14 E	WM	26	NE NW	13.30
28 S	14 E	WM	26	SE NW	14.20
28 S	14 E	WM	27	NE NE	16.80
28 S	14 E	WM	27	NW NE	17.90
28 S	14 E	WM	27	SW NE	38.80
28 S	14 E	WM	27	SE NE	37.50
28 S	14 E	WM	27	NE SE	9.60
28 S	14 E	WM	27	NW SE	10.10
Total					184.47

14. Transfer Application T-11912 proposes an additional point of appropriation on Certificates 76041, 76042 and 81395, with approximate distances from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
28 S	14 E	WM	26	NW NW	WELL 4 - 735 FEET SOUTH AND 905 FEET EAST FROM THE NW CORNER OF SECTION 26	WELL 2 - 0.4 mile WELL 3 - 1.0 mile

15. Water Right Certificate 89343 and 89344 have a scrivener's error in the location of the place of use for T 28 S, R 14 E, Section 26, **NENE, 33.5 acres, NWSE, 31.0 acres**. The correct location for the acres identified are T 28 S, R 14 E, Section 26, **NENE, 31.0 acres, NWSE, 33.5 acres**. The acres changing in this order have been identified in the correct 1/4 1/4 locations.

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

Certificate: 89343 in the name of SILVER LAKE IRRIGATION DISTRICT, C/O LAWRENCE IVERSON (perfected under Permit S-11656)
Use: IRRIGATION of 1189.8 ACRES
Priority Date: OCTOBER 11, 1915
Rate: 20.96 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 ONE-FORTIETH 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 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from East Thompson Valley Reservoir and Diversion Dam Reservoir constructed under Permit R-680.
Source: SILVER CREEK, EAST THOMPSON VALLEY RESERVOIR, AND DIVERSION DAM RESERVOIR, constructed under Permit R-680, a tributary of SILVER LAKE (DRY)

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
29 S	14 E	WM	5	NE NE	1	DIVERSION DAM RESERVOIR - 100 FEET SOUTH AND 1300 FEET WEST FROM THE NE CORNER OF SECTION 5
30 S	13 E	WM	24	NE SE		SILVER CREEK - 2800 FEET SOUTH AND 500 FEET WEST FROM THE NE CORNER OF SECTION 24
30 S	14 E	WM	17	SE SW		EAST THOMPSON VALLEY RESERVOIR - 600 FEET NORTH AND 1700 FEET EAST FROM THE SW CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION					
ZX RANCH					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	NE SW	31.4
28 S	14 E	WM	23	NW SW	31.5
28 S	14 E	WM	23	SW SW	31.1
28 S	14 E	WM	23	SE SW	30.8
28 S	14 E	WM	23	NE SE	31.2
28 S	14 E	WM	23	NW SE	31.3
28 S	14 E	WM	23	SW SE	30.6
28 S	14 E	WM	23	SE SE	30.6
28 S	14 E	WM	24	SW SW	38.9
28 S	14 E	WM	24	SE SW	38.9
28 S	14 E	WM	25	NE NW	38.7
28 S	14 E	WM	25	NW NW	37.5
28 S	14 E	WM	25	SW NW	38.2
28 S	14 E	WM	25	SE NW	38.2
28 S	14 E	WM	25	NE SW	39.0
28 S	14 E	WM	25	NW SW	39.0
28 S	14 E	WM	25	SW SW	30.7
28 S	14 E	WM	25	SE SW	37.0
28 S	14 E	WM	26	NE NE	37.5
28 S	14 E	WM	26	NW NE	37.5
28 S	14 E	WM	26	SW NE	29.3
28 S	14 E	WM	26	SE NE	38.2
28 S	14 E	WM	26	NE NW	37.5
28 S	14 E	WM	26	NW NW	37.2
28 S	14 E	WM	26	SW NW	29.9
28 S	14 E	WM	26	SE NW	29.8
28 S	14 E	WM	26	NE SW	30.5
28 S	14 E	WM	26	NW SW	30.5
28 S	14 E	WM	26	NE SE	31.0
28 S	14 E	WM	26	NW SE	33.5
28 S	14 E	WM	27	NE NE	28.2
28 S	14 E	WM	27	NW NE	29.1
28 S	14 E	WM	27	SW NE	39.4
28 S	14 E	WM	27	SE NE	38.8
28 S	14 E	WM	27	NE SE	14.0
28 S	14 E	WM	27	NW SE	13.3
Total					1189.8

17. Transfer Application T-11912 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	NE SW	34.4
28 S	14 E	WM	23	NW SW	25.9
28 S	14 E	WM	23	SW SW	37.4
28 S	14 E	WM	23	SE SW	40.0
28 S	14 E	WM	23	NE SE	25.7
28 S	14 E	WM	23	NW SE	33.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	SW SE	33.1
28 S	14 E	WM	23	SE SE	39.6
28 S	14 E	WM	24	SW SW	32.3
28 S	14 E	WM	24	SE SW	30.4
28 S	14 E	WM	25	NE NW	31.3
28 S	14 E	WM	25	NW NW	26.6
28 S	14 E	WM	25	SW NW	39.6
28 S	14 E	WM	25	SE NW	34.3
28 S	14 E	WM	25	NE SW	32.6
28 S	14 E	WM	25	NW SW	29.2
28 S	14 E	WM	25	SW SW	31.4
28 S	14 E	WM	25	SE SW	29.2
28 S	14 E	WM	26	NE NE	29.4
28 S	14 E	WM	26	NW NE	21.5
28 S	14 E	WM	26	SW NE	36.3
28 S	14 E	WM	26	SE NE	40.0
28 S	14 E	WM	26	NE NW	35.1
28 S	14 E	WM	26	NW NW	21.7
28 S	14 E	WM	26	SW NW	36.9
28 S	14 E	WM	26	SE NW	40.0
28 S	14 E	WM	26	NE SW	38.0
28 S	14 E	WM	26	NW SW	31.1
28 S	14 E	WM	26	NE SE	38.2
28 S	14 E	WM	26	NW SE	21.7
28 S	14 E	WM	27	NE NE	16.8
28 S	14 E	WM	27	NW NE	17.9
28 S	14 E	WM	27	SW NE	38.8
28 S	14 E	WM	27	SE NE	37.5
28 S	14 E	WM	27	NE SE	9.6
28 S	14 E	WM	27	NW SE	10.1
28 S	14 E	WM	35	NE NW	15.2
28 S	14 E	WM	35	NW NW	11.2
28 S	14 E	WM	35	SW NW	33.5
28 S	14 E	WM	35	SE NW	11.7
28 S	14 E	WM	35	NW SW	8.9
28 S	14 E	WM	35	SE SW	2.0
Total					1189.8

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

Certificate: 89344 in the name of SILVER LAKE IRRIGATION DISTRICT, C/O LAWRENCE IVERSON (perfected under Permit S-29955)
Use: SUPPLEMENTAL IRRIGATION of 1189.8 ACRES
Priority Date: AUGUST 24, 1964
Rate: 909.70 ACRE FEET of stored water only
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 not to exceed 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: EAST THOMPSON VALLEY RESERVOIR, enlarged under Permit R-4461, a tributary SILVER LAKE (DRY)

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
30 S	14 E	WM	17	SE SW	600 FEET NORTH AND 1700 FEET EAST FROM THE SW CORNER OF SECTION 17

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
ZX RANCH					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	NE SW	31.4
28 S	14 E	WM	23	NW SW	31.5
28 S	14 E	WM	23	SW SW	31.1
28 S	14 E	WM	23	SE SW	30.8
28 S	14 E	WM	23	NE SE	31.2
28 S	14 E	WM	23	NW SE	31.3
28 S	14 E	WM	23	SW SE	30.6
28 S	14 E	WM	23	SE SE	30.6
28 S	14 E	WM	24	SW SW	38.9
28 S	14 E	WM	24	SE SW	38.9
28 S	14 E	WM	25	NE NW	38.7
28 S	14 E	WM	25	NW NW	37.5
28 S	14 E	WM	25	SW NW	38.2
28 S	14 E	WM	25	SE NW	38.2
28 S	14 E	WM	25	NE SW	39.0
28 S	14 E	WM	25	NW SW	39.0
28 S	14 E	WM	25	SW SW	30.7
28 S	14 E	WM	25	SE SW	37.0
28 S	14 E	WM	26	NE NE	37.5
28 S	14 E	WM	26	NW NE	37.5
28 S	14 E	WM	26	SW NE	29.3
28 S	14 E	WM	26	SE NE	38.2
28 S	14 E	WM	26	NE NW	37.5
28 S	14 E	WM	26	NW NW	37.2
28 S	14 E	WM	26	SW NW	29.9
28 S	14 E	WM	26	SE NW	29.8
28 S	14 E	WM	26	NE SW	30.5
28 S	14 E	WM	26	NW SW	30.5
28 S	14 E	WM	26	NE SE	33.5
28 S	14 E	WM	26	NW SE	31.0
28 S	14 E	WM	27	NE NE	28.2
28 S	14 E	WM	27	NW NE	29.1
28 S	14 E	WM	27	SW NE	39.4
28 S	14 E	WM	27	SE NE	38.8
28 S	14 E	WM	27	NE SE	14.0
28 S	14 E	WM	27	NW SE	13.3
Total					1189.8

19. Transfer Application T-11912 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	23	NE SW	34.4
28 S	14 E	WM	23	NW SW	25.9
28 S	14 E	WM	23	SW SW	37.4
28 S	14 E	WM	23	SE SW	40.0
28 S	14 E	WM	23	NE SE	25.7
28 S	14 E	WM	23	NW SE	33.7
28 S	14 E	WM	23	SW SE	33.1
28 S	14 E	WM	23	SE SE	39.6
28 S	14 E	WM	24	SW SW	32.3
28 S	14 E	WM	24	SE SW	30.4
28 S	14 E	WM	25	NE NW	31.3
28 S	14 E	WM	25	NW NW	26.6
28 S	14 E	WM	25	SW NW	39.6
28 S	14 E	WM	25	SE NW	34.3
28 S	14 E	WM	25	NE SW	32.6
28 S	14 E	WM	25	NW SW	29.2
28 S	14 E	WM	25	SW SW	31.4
28 S	14 E	WM	25	SE SW	29.2
28 S	14 E	WM	26	NE NE	29.4
28 S	14 E	WM	26	NW NE	21.5
28 S	14 E	WM	26	SW NE	36.3
28 S	14 E	WM	26	SE NE	40.0
28 S	14 E	WM	26	NE NW	35.1
28 S	14 E	WM	26	NW NW	21.7
28 S	14 E	WM	26	SW NW	36.9
28 S	14 E	WM	26	SE NW	40.0
28 S	14 E	WM	26	NE SW	38.0
28 S	14 E	WM	26	NW SW	31.1
28 S	14 E	WM	26	NE SE	38.2
28 S	14 E	WM	26	NW SE	21.7
28 S	14 E	WM	27	NE NE	16.8
28 S	14 E	WM	27	NW NE	17.9
28 S	14 E	WM	27	SW NE	38.8
28 S	14 E	WM	27	SE NE	37.5
28 S	14 E	WM	27	NE SE	9.6
28 S	14 E	WM	27	NW SE	10.1
28 S	14 E	WM	35	NE NW	15.2
28 S	14 E	WM	35	NW NW	11.2
28 S	14 E	WM	35	SW NW	33.5
28 S	14 E	WM	35	SE NW	11.7
28 S	14 E	WM	35	NW SW	8.9
28 S	14 E	WM	35	SE SW	2.0
Total					1189.8

Partial Diminution of a Water Right

20. On August 20, 2015, an affidavit requesting partial diminution of a water right to be diminished from primary irrigation to supplemental irrigation was received from Silver Lake Irrigation District.

21. The right to be diminished is as follows:

Certificate: 81395 in the name of JR SIMPLOT COMPANY REVOCABLE TRUST (perfected under Permit G-6670)
Use: IRRIGATION of 3.77 ACRES
Priority Date: SEPTEMBER 23, 1974
Rate: 0.5 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 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: WELLS 2 AND 3, in the SILVER LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 E	WM	26	NW NE	WELL 2 - 728 FEET SOUTH AND 3144 FEET EAST FROM THE NW CORNER OF SECTION 26
28 S	14 E	WM	25	NW NW	WELL 3 - 688 FEET SOUTH AND 1166 FEET EAST FROM THE NW CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	26	SW SE	0.56
28 S	14 E	WM	26	SE SE	3.21
Total					3.77

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

- 22. 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.
- 23. 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-11912.
- 24. The proposed changes, as conditioned, would not result in enlargement of the rights.
- 25. The proposed changes, as conditioned, would not result in injury to other water rights.

Determination and Proposed Action

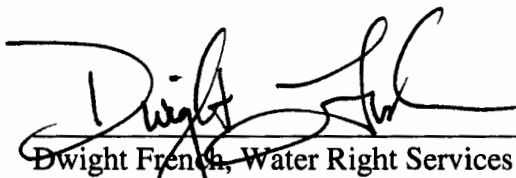
The additional points of appropriation and changes in place of use proposed in Transfer Application T-11912 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11912 is approved, the final order will include the following:

- 1. The additional points of appropriation and changes in place of use proposed in Transfer Application T-11912 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 53852, 76041, 76042, 81395, 89343 and 89344 and any related decree.*
- 3. Water right Certificates 53852, 76041, 76042, 81395, 89343 and 89344 are cancelled.*
- 4. New certificates for Certificates 76042, 89343 and 89344 will be issued describing those portions of the rights not affected by this transfer.*
- 5. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of diversion.*
- 6. 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 meters or measuring devices in good working order.*
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 7. Prior to using water from any well listed on this permit, the permittee shall ensure that the wells have been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the wells. The Well ID shall be used as a reference in any correspondence regarding the wells, including any reports of water use, water level, or pump test data.*
- 8. Prior to use, the original wells shall be configured to allow a strictly clean water (no oil) static water level measurements with an electric-tape. That can include measurement access via an unobstructed vertical discharge pipe that allows the groundwater level to fluctuate freely within the discharge pipe (no valves, etc.). Otherwise, a dedicated measuring tube must be installed prior to use. The tube must be unobstructed, have a diameter of 3/4 inch (0.75 inch) or greater and pursuant to figure 200-5 in OAR 690-200.*
- 9. Prior to use, the additional wells shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.*

10. *The additional well shall be continuously cased and continuously sealed to a minimum depth of 100 feet below land surface. The well may not be completed in such a manner to allow ground water to be developed from above 100 feet depth. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.*
11. *The former place of use of the transferred rights shall no longer receive water under the rights.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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.*
13. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 20th day of November 2015.



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

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-986-0890 or Sarah.A.Henderson@wrд.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.