



Oregon

Kate Brown, Governor

Water Resources Department

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February 8, 2016

VIA E-MAIL

JEAN A. JONES, TRUSTEE
2756 SW GOLF COURSE RD
CORNELIUS, OR 97113
rjj9@frontier.com

SUBJECT: Water Right Transfer Application T-12025

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12025. 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 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-12025
Jacob W. Constans, District 18 Watermaster (*via e-mail*)
Columbia Land Trust, Receiving Landowner (*via e-mail*)
Tualatin Valley Irrigation District

enclosure

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12025, Washington County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (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

JEAN A. JONES, TRUSTEE
2756 SW GOLF COURSE RD
CORNELIUS, OR 97113

Receiving Landowner

COLUMBIA LAND TRUST
1351 OFFICERS ROW
VANCOUVER WA 98661

Findings of Fact

1. On April 7, 2015, JEAN A. JONES, TRUSTEE, filed an application to change the place of use under Certificate 23300. The Department assigned the application number T-12025.
2. COLUMBIA LAND TRUST is the receiving landowner and together with the applicant will be responsible for completion of the changes.
3. Notice of the application for transfer was published on APRIL 14, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On November 16, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12025 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 16, 2015, for the applicant to respond. The deadline was later extended by request of the applicant. 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.
5. The portion of the right to be transferred is as follows:

Certificate:	23300 in the name of E. A. SCHOLZ; LILLIAN I. GALLOWAY, and MARVIN H. KRAHMER (perfected under Permit S-12315)
Use:	IRRIGATION of 6.5 ACRES

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.

Priority Date: AUGUST 18, 1936
Rate: 0.08 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 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.
Source: TUALATIN RIVER, a tributary of the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot
1 S	3 W	WM	3	SE SW	3

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
1 S	3 W	WM	3	SW SE	2	0.8
1 S	3 W	WM	10	NE NE	5	1.2
1 S	3 W	WM	10	NW NE		4.5
Total:						6.5

6. Certificate 23300 does not describe the measured distances of the authorized point of diversion, however the applicant and Certified Water Right Examiner (CWRE) have provided additional information further describing the point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Measured Distances
1 S	3 W	WM	3	SE SW	3	212.42 FEET SOUTH AND 1269.87 FEET EAST FROM THE NE CORNER OF CHRISTIAN EMERICK DLC 48

7. Transfer Application T-12025 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Gov't Lot	Acres
1 S	3 W	WM	10	SW NW	2	4.2
1 S	3 W	WM	10	NW SW	3	2.3

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

8. 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.
9. 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-12025.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.


Determination and Proposed Action

The change in place of use proposed in Transfer Application T-12025 appears 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-12025 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-12025 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 23300 and any related decree.*
- 3. Water right Certificate 23300 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The former place of use of the transferred rights shall no longer receive water under the right.*
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 8 day of February, 2016.



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@wrdd.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.