



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 19, 2016

VIA E-MAIL

DOUBLE J RANCH LLC

PO BOX 766

CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-12211

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12211. 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 503-986-0886 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-12211
Brian Mayer, Watermaster District 12 (*via e-mail*)
Scott D. Montgomery, Agent/CWRE 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-12211, Lake County)	PROPOSING APPROVAL OF A
)	CHANGE IN POINT OF
)	APPROPRIATION AND CHANGE IN
)	PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

DOUBLE J RANCH LLC
PO BOX 766
CHRISTMAS VALLEY, OR 97641
avajarman@me.com

Findings of Fact

1. On November 30, 2015, DOUBLE J RANCH LLC filed an application to change the point of appropriation and to change the place of use under Certificates 52875 and 76941. The Department assigned the application number T-12211.
2. Notice of the application for transfer was published on December 8, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 25, 2016, the applicant submitted a revised application and map, identifying 56.0 acres for the transfer.
4. On January 25, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12211 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 25, 2016, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2022 and 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.

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.

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

Certificate: 52875 in the names of MEARL W. BLEVINS AND PATTY L. BLEVINS
(perfected under Permit G-8982)

Use: IRRIGATION OF 50.2 ACRES

Priority Date: MARCH 17, 1980

Rate: 0.63 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, 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 of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	16 E	WM	27	SW NW	Well 1 - 1350 FEET SOUTH AND 1350 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	NE NW	11.8
27 S	16 E	WM	27	NW NW	13.3
27 S	16 E	WM	27	SW NW	13.3
27 S	16 E	WM	27	SE NW	11.8
Total					50.2

6. Transfer Application T-12211 proposes to move the authorized point of appropriation approximately 1/2 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	16 E	WM	27	SW NE	Well 2 - 1352.7 FEET SOUTH AND 1332.4 FEET WEST FROM THE NE CORNER OF SECTION 27

7. Transfer Application T-12211 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	NE NE	28.0
27 S	16 E	WM	27	NW NE	22.2
Total					50.2

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

Certificate: 76941 in the name of K & E FARMS (perfected under Permit G-9018)
Use: IRRIGATION OF 5.8 ACRES
Priority Date: AUGUST 7, 1980
Rate: 0.07 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL WELL LOCATED:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL 2 - 1410 FEET NORTH AND 1320 FEET EAST FROM THE C ¹ / ₄ CORNER OF SECTION 31

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	16 E	WM	27	SW NE	WELL 2 - 1352.7 FEET SOUTH AND 1332.4 FEET WEST FROM THE NE CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	SW NE	3.1
27 S	16 E	WM	27	SE NE	2.7
Total					5.8

9. Transfer Application T-12211 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	NW NE	5.8

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. 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-12211.
12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other water rights.

14. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-12211 appear 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-12211 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-12211 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 52875 and 76941 and any related decree.*
3. *Water right Certificates 52875 and 76941 are cancelled. New certificates will be issued describing those portions of the rights 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 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 point of appropriation (new and existing).*
 - 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.*
6. *The water user shall maintain a record of all water used each month, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. The record of use shall be submitted to the Department annually, or more frequently as may be required by the Director, and shall be submitted to the Watermaster upon request.*
7. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
8. *The former place of use of the transferred rights shall no longer receive water under the rights.*

9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.*
10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 22 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 Marcy Osborn. If you have questions about the information in this document, you may reach me at 541-523-8224 ext.228 or marcy.j.osborn@wrд.state.or.us.

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