



Oregon

Kate Brown, Governor

Water Resources Department

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October 21, 2016

BADGER VENTURES LLC
68281 CRANE BUCHANAN RD
BURNS, OR 97720

SUBJECT: Water Right Transfer Application T-12150

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12150. 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 Burns Times Herald 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: Transfer Application file T-12150
J R Johnson, District 10 Watermaster (*via e-mail*)
John A. Short, Agent for the applicant (*via e-mail*)
Robert Baxter, CWRE #015 (*via e-mail*)
Linda Miller, CWRE #47708

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12150, Harney County)	PROPOSING APPROVAL OF
)	CHANGES IN POINTS OF
)	APPROPRIATION, ADDITIONAL
)	POINTS OF APPROPRIATION,
)	CHANGES IN PLACE OF USE, AND A
)	RE-DESCRIPTION OF TWO WATER
)	RIGHTS

Authority

Oregon Revised Statute (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 Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

BADGER VENTURES, LLC
68281 CRANE-BUCHANAN RD
BURNS, OR 97720-9506

Findings of Fact

1. On August 31, 2015, TV LAND & CATTLE, LLC, KENNETH W. BENTZ, and MARK OWENS filed an application for additional points of appropriation and to change the place of use under Certificates 36638, 36639, 46552, 50978, 82709, and 82710. The Department assigned the application number T-12150.
2. Notice of the application for transfer was published on September 15, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 8, 2016, the Department contacted the applicant and agent by written correspondence to notify them of deficiencies in the application and possible injury to other water right holders.
4. On April 19, 2016, the Department approved an assignment of the Transfer Application to Badger Ventures, LLC.
5. The Department has identified that groundwater withdrawals at the proposed location would result in increased interference with existing water rights. The applicant would have 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.

consent to the subordination of priority dates of the junior water right holders and consent to injury on Application G-17771 which they own, in order to prevent injury.

6. On April 6, 2016 and May 31, 2016, the applicant's agent submitted amended application pages resolving deficiencies in the application, including amending the type of changes and a re-description map. Also submitting the required affidavits consenting to injury to their water right (Application G-17771) and a statement consenting to the subordination of the priority dates to resolve the injury to other junior water right holders (Applications G-17032, G-15817, G-2595).
7. On July 26, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12150 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 25, 2016, for the applicant to 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.
8. On July 27, 2016, the applicant's agent requested that the completion date for this transfer application be extended to 2020.
9. During the initial review of the application the Department determined that the descriptions of the authorized place of use, as listed on Certificates 36638 and 36639 were inconsistent with the actual location of historic water use.
10. Current and historic Google Earth images show the irrigated lands as described in the re-description below, and on the transfer application map submitted by the applicant's agent. The re-description also agrees with tax lot boundaries.
11. Based on historic images, information provided by the Certified Water Right Examiner, improved mapping technology, and tax lot boundaries, the place of use for water right Certificates 36638 and 36639 have always been located as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	34 E	WM	31	SW SE	6.2
23 S	34 E	WM	31	SE SE	6.5
23 S	34 E	WM	32	SW SW	0.4
24 S	34 E	WM	5	NW NW	2.6
24 S	34 E	WM	5	SW NW	2.1
24 S	34 E	WM	6	NE NE	41.0
24 S	34 E	WM	6	NW NE	37.9
24 S	34 E	WM	6	SW NE	30.6
24 S	34 E	WM	6	SE NE	32.7
Total					160.0

12. The following table lists the place of use as described in the existing Certificates 36638 and 36639 and the proposed re-description based on the above findings:

Twp	Rng	Mer	Sec	Original Description		Proposed Re-Description	
				Q-Q	Acres	Q-Q	Acres
23 S	34 E	WM	31	SW SE	-	SW SE	6.2
23 S	34 E	WM	31	SE SE	-	SE SE	6.5
23 S	34 E	WM	32	SW SW	-	SW SW	0.4
24 S	34 E	WM	5	NW NW	-	NW NW	2.6
24 S	34 E	WM	5	SW NW	-	SW NW	2.1
24 S	34 E	WM	6	NE NE	40.0	NE NE	41.0
24 S	34 E	WM	6	NW NE	40.0	NW NE	37.9
24 S	34 E	WM	6	SW NE	40.0	SW NE	30.6
24 S	34 E	WM	6	SE NE	40.0	SE NE	32.7
Total:					160.0	Total: 160.0	

13. Both the original place of use and the re-described place of use depict the same irrigated land. The actual location of the place of use, as found on the ground, remains unchanged.
14. The first right to be transferred is as follows:

Certificate: 36638 in the name of MILLER BROTHERS C/O HOWARD M. MILLER (perfected under Permit G-2343)

Use: IRRIGATION of 160.0 ACRES

Priority Date: JANUARY 14, 1963

Rate: 1.0 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 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: WELL No. 3 within the CROW CAMP CREEK (HARNEY BASIN)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	6	NE NE	1	* WELL No. 3 - 1390 FEET SOUTH AND 1420 FEET EAST FROM THE N1/4 CORNER OF SECTION 6

*Also known as Bentz Well 3

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	34 E	WM	31	SW SE	6.2
23 S	34 E	WM	31	SE SE	6.5
23 S	34 E	WM	32	SW SW	0.4
24 S	34 E	WM	5	NW NW	2.6
24 S	34 E	WM	5	SW NW	2.1
24 S	34 E	WM	6	NE NE	41.0
24 S	34 E	WM	6	NW NE	37.9

Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	34 E	WM	6	SW NE	30.6
24 S	34 E	WM	6	SE NE	32.7
Total					160.0

15. Transfer Application T-12150 proposes additional points of appropriation with approximate distances from the existing point of appropriation identified as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~ Distance
22 S	33 E	WM	34	SE NW		K & A WELL 2 – 3076 FEET NORTH AND 1710 FEET EAST FROM THE SW CORNER OF SECTION 34	7.6 miles
24 S	34 E	WM	6	NW NE	2	BENTZ WELL 2 – 1350 FEET SOUTH AND 80 FEET EAST FROM THE N1/4 CORNER OF SECTION 6	0.3 mile
24 S	34 E	WM	6	SW NE		BENTZ WELL 4 – 10 FEET NORTH AND 1220 FEET EAST FROM THE CENTER CORNER OF SECTION 6	0.2 mile

16. Transfer Application T-12150 also proposes to change the place of use of the right to:

Well	Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
K & A Well 2	22 S	33 E	WM	34	SW NE		3.2
K & A Well 2	22 S	33 E	WM	34	SE NW		31.2
Bentz Wells 2, 3, 4	23 S	34 E	WM	31	SW SE		1.8
Bentz Wells 2, 3, 4	23 S	34 E	WM	31	SE SE		2.4
Bentz Wells 2, 3, 4	24 S	34 E	WM	5	NW NW		1.1
Bentz Wells 2, 3, 4	24 S	34 E	WM	5	SW NW		0.3
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	NE NE	1	37.7
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	NW NE	2	33.5
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	SW NE		22.4
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	SE NE		26.4
Total							160.0

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

Certificate: 36639 in the name of MILLER BROTHERS C/O HOWARD M. MILLER (perfected under Permit G-4330)

Use: SUPPLEMENTAL IRRIGATION of 160.0 ACRES

Priority Date: SEPTEMBER 23, 1968

Rate: 1.0 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 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: WELL No. 2 within the CROW CAMP CREEK (MALHEUR LAKE BASIN)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	34 E	WM	6	NW NE	2	*WELL No. 2 - 1350 FEET SOUTH AND 80 FEET EAST FROM THE N1/4 CORNER OF SECTION 6

*Also known as Bentz Well 2

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	34 E	WM	31	SW SE	6.2
23 S	34 E	WM	31	SE SE	6.5
23 S	34 E	WM	32	SW SW	0.4
24 S	34 E	WM	5	NW NW	2.6
24 S	34 E	WM	5	SW NW	2.1
24 S	34 E	WM	6	NE NE	41.0
24 S	34 E	WM	6	NW NE	37.9
24 S	34 E	WM	6	SW NE	30.6
24 S	34 E	WM	6	SE NE	32.7
Total					160.0

18. Transfer Application T-12150 proposes additional points of appropriation with approximate distances from the existing point of appropriation identified as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~ Distance
22 S	33 E	WM	34	SE NW		K & A WELL 2 – 3076 FEET NORTH AND 1710 FEET EAST FROM THE SW CORNER OF SECTION 34	7.5 miles
24 S	34 E	WM	6	NE NE	1	BENTZ WELL 3 - 1390 FEET SOUTH AND 1420 FEET EAST FROM THE N1/4 CORNER OF SECTION 6	0.3 mile
24 S	34 E	WM	6	SW NE		BENTZ WELL 4 – 10 FEET NORTH AND 1220 FEET EAST FROM THE CENTER CORNER OF SECTION 6	0.3 mile

19. Transfer Application T-12150 also proposes to change the place of use of the right to:

Well	Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
K & A Well 2	22 S	33 E	WM	34	SW NE		3.2
K & A Well 2	22 S	33 E	WM	34	SE NW		31.2
Bentz Wells 2, 3, 4	23 S	34 E	WM	31	SW SE		1.8
Bentz Wells 2, 3, 4	23 S	34 E	WM	31	SE SE		2.4
Bentz Wells 2, 3, 4	24 S	34 E	WM	5	NW NW		1.1
Bentz Wells 2, 3, 4	24 S	34 E	WM	5	SW NW		0.3
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	NE NE	1	37.7
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	NW NE	2	33.5
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	SW NE		22.4
Bentz Wells 2, 3, 4	24 S	34 E	WM	6	SE NE		26.4
Total							160.0

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

Certificate: 46552 in the name of JOHN T. RANKIN (perfected under Permit G-6374)

Use: IRRIGATION of 19.0 ACRES
Priority Date: DECEMBER 5, 1975
Rate: 0.24 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 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 MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	NW NW	*1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11

*Also known as Owens Well 3

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	11	NE NW	1.0
25 S	33 E	WM	11	NW NW	9.8
25 S	33 E	WM	11	SW NW	7.9
25 S	33 E	WM	11	SE NW	0.3
Total					19.0

21. Transfer Application T-12150 proposes to move the authorized point of appropriation approximately 13.9 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	33 E	WM	34	SE NW	K & A WELL 2 - 3076 FEET NORTH AND 1710 FEET EAST FROM THE SW CORNER OF SECTION 34

22. Transfer Application T-12150 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	33 E	WM	34	NE NW	19.0

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

Certificate: 50978 in the name of KENNETH G. ROSSBERG (perfected under Permit G-7024)

Use: IRRIGATION of 19.8 ACRES

Priority Date: OCTOBER 25, 1976

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, 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: WELL 10 within the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	12	NW NE	*WELL 10 - 990 FEET SOUTH AND 2150 FEET WEST FROM THE NE CORNER OF SECTION 12

*Also known as Hwy Well 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	12	NE NE	4.0
25 S	33 E	WM	12	NW NE	2.9
25 S	33 E	WM	12	SW NE	6.4
25 S	33 E	WM	12	SE NE	6.5
Total					19.8

24. Transfer Application T-12150 proposes to move the authorized point of appropriation approximately 13.9 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	33 E	WM	34	SE NW	K & A WELL 2 - 3076 FEET NORTH AND 1710 FEET EAST FROM THE SW CORNER OF SECTION 34

25. Transfer Application T-12150 also proposes to change the place of use of the right to:

Well	Twp	Rng	Mer	Sec	Q-Q	Acres
HWY WELL 10	25 S	33 E	WM	12	NW NE	2.8
K & A WELL 2	22 S	33 E	WM	34	SW NE	17.0
Total						19.8

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

Certificate: 82709 in the name of DEPARTMENT OF VETERANS' AFFAIRS
(perfected under Permit G-7076)

Use: IRRIGATION of 31.3 ACRES

Priority Date: JANUARY 18, 1977

Rate: 0.39 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 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: TWO WELLS within the MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	SW NE	*EAST WELL - 1300 FEET NORTH AND 690 FEET EAST FROM THE C1/4 CORNER OF SECTION 11
25 S	33 E	WM	11	NW NW	**WEST WELL 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11

*Also known as Owens Well 2

**Also known as Owens Well 3

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	11	NW NE	6.4
25 S	33 E	WM	11	SW NE	8.0
25 S	33 E	WM	11	NE NW	7.0
25 S	33 E	WM	11	SW NW	1.9
25 S	33 E	WM	11	SE NW	8.0
Total					31.3

27. Transfer Application T-12150 proposes to move the authorized point of appropriation approximately 13.9 miles from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	33 E	WM	34	SE NW	K & A WELL 2 - 3076 FEET NORTH AND 1710 FEET EAST FROM THE SW CORNER OF SECTION 34

28. Transfer Application T-12150 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	33 E	WM	34	NE NW	12.6
22 S	33 E	WM	34	NW NE	18.7
Total					31.3

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

Certificate: 82710 in the name of DEPARTMENT OF VETERANS AFFAIRS
(perfected under Permit G-8980)

Use: IRRIGATION of 18.1 ACRES

Priority Date: JUNE 6, 1980

Rate: 0.23 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 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: TWO WELLS within the MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	33 E	WM	11	SW NE	*EAST WELL - 1300 FEET NORTH AND 690 FEET EAST FROM THE C1/4 CORNER OF SECTION 11
25 S	33 E	WM	11	NW NW	**WEST WELL - 1300 FEET SOUTH AND 1300 FEET EAST FROM THE NW CORNER OF SECTION 11

*Also known as Owens Well 2

**Also known as Owens Well 3

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	33 E	WM	11	NE NE	8.0
25 S	33 E	WM	11	NW NE	0.9
25 S	33 E	WM	11	SW NE	1.4
25 S	33 E	WM	11	SE NE	7.8
Total					18.1

30. Transfer Application T-12150 proposes to move the authorized point of appropriation approximately 13.9 miles from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
22 S	33 E	WM	34	SE NW	K & A WELL 2 - 3076 FEET NORTH AND 1710 FEET EAST FROM THE SW CORNER OF SECTION 34

31. Transfer Application T-12150 also proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	Acres
22 S	33 E	WM	34	NW NE	12.4
22 S	33 E	WM	34	SW NE	5.7
Total					18.1

Transfer Review Criteria (OAR 690-380-4010)

32. 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.
33. 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-12150.
34. The proposed changes would not result in enlargement of the rights.
35. The proposed changes would potentially interfere substantially with other existing groundwater rights, resulting in injury to those rights. The groundwater rights potentially being injured are Applications G-17771, G-17032, G-15817 and G-2595, unless additional conditions are placed upon the use. Therefore, as conditioned below, describing the subordination of the water rights for Applications G-17032, G-15817 and G-2595, and with

the signed affidavit of agreement to the consent to injury for Application G-17771, the proposed changes would not result in injury.

36. All other application requirements are met.

Determination and Proposed Action

The changes in points of appropriation, additional points of appropriation and places of use proposed in Transfer Application T-12150 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 and the place of use for Certificates 36638 and 36638 will be re-described.


If Transfer Application T-12150 is approved, the final order will include the following:

- 1. The changes in points of appropriation, additional points of appropriation and places of use proposed in Transfer Application T-12150 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 36638, 36639, 46552, 50978, 82709, and 82710 and any related decree.*
- 3. Water right Certificates 36638, 36639, 46552, 50978, 82709, and 82710 are cancelled. New certificates will be issued for 46552, 50978, 82709, and 82710, describing those portions of the rights not affected by this transfer.*
- 4. 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 appropriation.*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. Water right Certificates 36638, 36639, 46552, 50978, 82709, and 82710, shall be subordinate to the junior water rights, being Applications G-17032, G-15817 and G-2595.*
- 7. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.*
- 8. Prior to using water from any well listed, the water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID). A tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID, the water user shall apply for one from the Department and attach it to the well. The Well ID shall be used as a*

reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

9. *Dedicated Measuring Tube: Wells with pumps 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. *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.*
11. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.*
12. *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 2016.



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

This Preliminary Determination was prepared by a Reimbursement Authority contractor and reviewed by Sarah Henderson. If you have questions about the information in this document, you may reach Sarah Henderson at 503-986-0890 or Sarah.A.Henderson@ wrd.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.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>