



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
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MARCH 1, 2017

ERIK AND LAURIE JOHNSEN  
3606 THREEMILE RD  
THE DALLES, OR 97058

SUBJECT: Water Right Transfer Application T-12518

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-1251812518. 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@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov) if I may be of assistance.

Sincerely,

Kelly Starnes  
Transfer Program Analyst  
Transfer and Conservation Section

cc: Transfer Application file T-12518  
Robert L. Wood, District 3 Watermaster (*via e-mail*)  
Tenneson Engineering Corp (Larry Toll), Agent/CWRE for the applicant (*via e-mail*)

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

**Certificate:** 89642 in the name of ERIK L. JOHNSEN (perfected under Permit G-482)

**Use:** IRRIGATION of 5.4 ACRES

**Priority Date:** APRIL 16, 1947

**Rate:** 0.05 CUBIC FOOT PER SECOND, provided further that the amount of water allowed herein in combination with water use allowed by Certificate 89643, shall not exceed 0.50 cfs of water or its equivalent in case of rotation, measured at the well.

**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 a diversion of ONE-EIGHTIETH of one cubic foot per second 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 3 (WASC 50498) within the THREEMILE CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	13 E	WM	32	NW NE	WELL 3 (WASC 50498) - 1530 FEET NORTH AND 2212 FEET WEST FROM THE E¼ CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	32	NE NE	5.4

5. Transfer Application T-12518 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	32	NW NE	1.7
1 N	13 E	WM	32	NE NW	3.7
Total					5.4

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

**Certificate:** 89643 in the name of ERIK L. JOHNSEN (perfected under Permit G-485)

**Use:** SUPPLEMENTAL IRRIGATION of 5.4 ACRES

**Priority Date:** APRIL 4, 1955

**Rate:** 0.05 CUBIC FOOT PER SECOND, provided further that the amount of water allowed herein in combination with water use allowed by Certificate 89642, shall not exceed 0.50 cfs of water or its equivalent in case of rotation, measured at the well.

**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 a diversion of ONE-EIGHTIETH of one cubic foot per second 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 3 (WASC 50498), within the THREEMILE CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	13 E	WM	32	NW NE	WELL 3 (WASC 50498) - 1530 FEET NORTH AND 2212 FEET WEST FROM THE E¼ CORNER OF SECTION 32

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	32	NE NE	5.4

7. Transfer Application T-12518 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	13 E	WM	32	NW NE	1.7
1 N	13 E	WM	32	NE NW	3.7
Total					5.4

**Transfer Review Criteria (OAR 690-380-4010)**

8. 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.
9. 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-12518.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

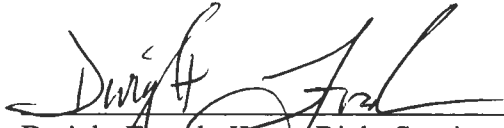
The change in place of use proposed in Transfer Application T-12518 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12518 is approved, the final order will include the following:*

- 1. The change in place of use proposed in Transfer Application T-12518 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 Certificates 89642 and 89643 and any related decree.*
- 3. Water right Certificates 89642 and 89643 are cancelled. New certificates will be issued describing the portions of these rights not affected by this transfer.*
- 4. 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 diversion.*
  - b. The water user shall maintain the meter or measuring device in good working order.*
  - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
- 5. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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.*

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

Dated at Salem, Oregon this 1 day of March, 2017.

  
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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@oregon.gov](mailto:marcy.j.osborn@oregon.gov).

*Protests should be addressed to the attention of Water Rights Services 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>