



Oregon

Kate Brown, Governor

Water Resources Department

North Central Region

116 S.E. Dorion Avenue

Pendleton, OR 97801

Phone (541) 278-5456

Fax (541) 278-0287

August 28, 2017

Applicants

Lloyd C. Bansen Family, LLC
10901 NW Pike Road
Yamhill OR 97148

Jacki L Groff
9696 NE Meadow Ridge Road
Prineville OR 97754

Agent

Monument Soil & Water Conservation District
Bryan Vogt
PO Box 95
Monument OR 97864

SUBJECT: Water Right Transfer Application T-12148

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department has concluded that approval of the change in point of diversion proposed in T-12148 would result in injury to instream water right Certificate 63251. Consistent with your request that we seek a recommendation from Oregon Department of Fish and Wildlife and Oregon Parks and Recreation Department on whether we should consent to the injury to the instream water right, we are proceeding with that process concurrently with issuance of the preliminary determination.

The Water Resources Department holds instream water rights in trust for the benefit of the people of Oregon. Under ORS 540.530(1)(c), the Department may approve the transfer only if the Oregon Department of Fish and Wildlife (ODFW) and Oregon Department of Parks and Recreation (ODPR) conclude that the proposed change will result in net benefits to the resource protected by the instream water right, and recommends that we consent to the injury of the right. Please contact the agency staff person to whom the agency review letter has been sent, to discuss whether you may be able to assist in providing information needed for the analysis.

After we have received a recommendation both the Oregon Department of Fish and Wildlife (ODFW) and Oregon Parks and Recreation Department (OPRD) on whether to consent to the injury, provided no protests have been filed, we will issue an order either:

- Approving the transfer with conditions, if any, identified in the agency recommendations as necessary to ensure that the change will result in net benefits, or
- Reaffirming our decision that the instream water right would be injured and denying the transfer.

The timing for issuance of the order will depend on the availability of information needed by ODFW and OPRD to perform the net benefits analysis upon which their recommendations must be based, and the time necessary to allow public review and comment on the recommendations. You are not authorized to use water from the proposed points of diversion pending a final decision by the Department on your transfer application.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day 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.

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 in response to the Department's weekly notice or the newspaper notice, 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-12148
Eric Julsrud, Watermaster, District 4
Robert D. Bagett, CWRE
Mike Ladd, OWRD North Central Region Manager, OWRD

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12148, Grant County)	PROPOSING DENIAL OF A CHANGE
)	IN POINTS OF DIVERSION AND
)	PARTIAL CANCELLATION OF A
)	WATER RIGHT

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicants

Lloyd C. Bansen Family, LLC
10901 NW Pike Road
Yamhill, OR 97148

Jacki L. Groff
9696 NE Meadow Ridge Road
Prineville, OR 97754

Agent

Bryan Vogt
Monument Soil & Water Conservation District
PO Box 95
Monument, OR 97864

Findings of Fact

1. On August 28, 2015, Lloyd C. Bansen Family LLC and Jacki L. Groff filed an application to change the points of diversion under Certificate 68623. The Department assigned the application number T-12148.
2. On March 23, 2017, the agent for the applicants submitted an amended application map and corresponding application pages to clarify the points of diversion.
3. Notice of the application for transfer was published on September 1, 2015, pursuant to OAR 690-380-4000. The Oregon Department of Fish and Wildlife filed a response to the notice, stating that moving a proposed point of diversion upstream on Cottonwood Creek would injure instream water right Certificate 63251. The Oregon Department of Fish and Wildlife also determined that a fish screen is necessary at the new points of diversion 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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prevent fish from entering the diversion and that the diversion is currently equipped with an appropriate fish screen.

4. On April 17, 2017, the Department sent a copy of the draft Preliminary Determination proposing to deny Transfer Application T-12148 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of May 17, 2017, for the applicant to respond. On May 17, 2017, the agent for the applicant requested the Department pursue consent to injury, continue with the transfer, proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer. The agent also provided information to clarify the amount of water authorized under a portion of the Certificate 68623.
5. The first portion of the right to be transferred is as follows:

Certificate: 68623 in the name of PHILLIP MURPHY (perfected under Permit S-47841)

Use: IRRIGATION OF 29.6 ACRES ON TRACT NO. 1 AND
IRRIGATION/SUPPLEMENTAL IRRIGATION OF 2.3 ACRES ON
TRACT NO. 2

Priority Date: JUNE 7, 1983

Rate: 0.798 CUBIC FOOT PER SECOND (CFS), BEING 0.74 CFS FROM
COTTONWOOD CREEK FOR PRIMARY IRRIGATION OF 29.6 ACRES AND
0.058 CFS FROM COTTONWOOD CREEK WITH ANY DEFICIENCY IN THE
SUPPLY TO BE APPROPRIATED FROM NORTH FORK JOHN DAY RIVER
FOR PRIMARY/SUPPLEMENTAL IRRIGATION OF 2.3 ACRES

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-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre-feet for each acre irrigated during the irrigation season of each year.

Sources: COTTONWOOD CREEK, tributary to the NORTH FORK JOHN DAY RIVER,
and NORTH FORK JOHN DAY RIVER, tributary to the JOHN DAY RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NE NW	POD NO. 1 (COTTONWOOD CREEK) - 3100 FEET SOUTH AND 40 FEET WEST FROM THE C ¹ / ₄ CORNER OF SECTION 1
9 S	27 E	WM	1	NW NE	POD NO. 2 (NORTH FORK JOHN DAY RIVER) - 970 FEET SOUTH AND 340 FEET EAST FROM THE C ¹ / ₄ CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION (IR) AND SUPPLEMENTAL IRRIGATION (IS)						
BANSEN FAMILY						
Twp	Rng	Mer	Sec	Q-Q	Acres	
					Tract No. 1 (IR)	Tract No. 2 (IR & IS)
9 S	27 E	WM	1	SE SW	3.5	--
9 S	27 E	WM	1	NW SE	1.6	--
9 S	27 E	WM	1	SW SE	22.3	--
9 S	27 E	WM	12	NW NE	1.6	2.3
9 S	27 E	WM	12	NE NW	0.6	--
Total:					29.6	2.3

6. Transfer Application T-12148 proposes to change the point of diversion (Cottonwood Creek) for the above described 31.9 acres upstream approximately 300 feet to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NW NE	POD NO. 8 (COTTONWOOD CREEK) - 4500 FEET NORTH AND 2790 FEET EAST FROM THE SW CORNER OF SECTION 12

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

Certificate: 68623 in the name of PHILLIP MURPHY (perfected under Permit S-47841)

Use: IRRIGATION OF 0.4 ACRE FOR TRACT NO. 1

Priority Date: JUNE 7, 1983

Rate: 0.01 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, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: COTTONWOOD CREEK, tributary to the NORTH FORK JOHN DAY RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NE NW	POD #1 - 3100 FEET SOUTH AND 40 FEET WEST FROM THE CENTER QUARTER CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION (IR)					
GROFF					
Twp	Rng	Mer	Sec	Q-Q	Acres (Tract No. 1)
9 S	27 E	WM	12	NE NW	0.4

8. Transfer Application T-12148 proposes to change the point of diversion for the above described 0.4 acres downstream approximately 300 feet to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NE NW	POD #10 - 5010 FEET NORTH AND 2460 FEET EAST FROM THE SW CORNER OF SECTION 12

9. Numerous letters of support from Oregon Department of Fish and Wildlife (ODFW) staff accompanied this transfer application (Jeff Neal, Fish Biologist, and Kelly Stokes, Program Manager, both of John Day; and Adrienne Averett, Eastside Implementation Coordinator, La Grande). Their letters state that this project for the expansion of salmonid rearing habitat, screening irrigation diversions and providing for fish passage in the John Day River system has been a priority of ODFW's for decades. Letters of support were also received from Theresa DeBardelaben, Regional Water Quality Specialist with the Oregon Department of Agriculture, stating that the transfer would both improve and protect water quality. Dirk Renner, Project Biologist for US Fish & Wildlife, also submitted a letter in support of the four accompanying Cottonwood Creek permanent transfers (T-11971, T-11972, and T-11973) for providing improved fish passage. Allen Gillette, Fish Biologist for the Confederated Tribes of the Warm Springs Reservation supports the project because of the aquatic restoration and fish passage benefits which are high priorities in their restoration

goals. A letter was received from John Dvorsky with Waterways Consulting, Inc., stating that his company assisted the Monument Soil & Water Conservation District with a cost effective engineering design of the fish passage components of the project which would aid in accomplishing these fish passage improvements. Lastly, Tony Malmberg, Flow Restoration Program Manager of The Freshwater Trust expressed support for the project and the landowners' considerations of alternative management of the water while providing multiple benefits to the fishery. In conclusion, it is obvious the proposed project has much support and is focused on restoration efforts in improving fish passage and riparian function at existing irrigation diversion sites.

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

10. Water has been used within the last five years prior to submittal of the transfer application 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.
11. Diversion structures and ditches sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12148.
12. The Watermaster has made a statement that there is typically ample flow in the Cottonwood Creek and does not have a history of regulation due to shortages. Additionally, the Watermaster states that 10 plus years ago there was regulation on Cottonwood Creek for end of season shut-offs only. Regulation presence on this creek has not been needed due to not receiving requests for regulation from the water users on the creek.

13. The proposed change would result in injury to an instream water right which exists for the reach of Cottonwood Creek in which the authorized point of diversion would be moved upstream, and stream flows within the reach are frequently below the levels allocated under the instream water right. Certificate 63251, the instream water right applied for by the Oregon Department of Fish and Wildlife and the Oregon Parks and Recreation Department, exists to maintain instream flows for the purpose of anadromous and resident fish habitat and recreational fishing. The following table provides a comparison of monthly streamflows on Cottonwood Creek and the instream water right:

Month	Natural Stream Flow @ 80% Exceedance (cfs)	Instream Water Right Certificate 63251 (cfs) (Monthly period)		80% Flows minus any out-of-stream consumptive uses, reserved and instream requirements. (net water available)
		1 st Half	2 nd Half	
January	9.31	25	25	-15.90
February	26.90	25	33	-6.35
March	51.20	33	33	17.90
April	100.00	33	33	62.30
May	74.20	33	33	31.10
June	29.70	25	25	-8.69
July	8.53	10	10	-21.20
August	3.75	6	6	-17.50
September	2.60	6	6	-13.40
October	2.14	6	6	-7.74
November	3.89	10	10	-6.24
December	6.37	25	25	-18.80

14. The proposed changes would not result in enlargement of the right.
15. Notwithstanding injury to instream water right, the Oregon Department of Fish and Wildlife has stated that this project may create a net benefit to fish in Cottonwood Creek but reserves its final determination until a more thorough review of the transfer application can be conducted.

Partial Cancellation of a Water Right

16. On August 28, 2015, the Lloyd C. Bansen Family LLC submitted an affidavit for partial cancellation of an existing water right. The partial cancellation is a portion of Certificate 68623. The irrigation portion that has been abandoned is described as follows:

Certificate: 68623 in the name of PHILLIP MURPHY (perfected under Permit S-47841)

Use: IRRIGATION OF 0.7 ACRE

Priority Date: JUNE 7, 1983

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.

Rate: 0.017 CFS, BEING 0.016 CFS FROM COTTONWOOD CREEK FOR PRIMARY IRRIGATION AND 0.001 CFS FROM COTTONWOOD CREEK WITH ANY DEFICIENCY IN THE SUPPLY TO BE APPROPRIATED FROM NORTH FORK JOHN DAY RIVER FOR PRIMARY/SUPPLEMENTAL IRRIGATION

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-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre-feet for each acre irrigated during the irrigation season of each year.

Sources: COTTONWOOD CREEK, tributary to the NORTH FORK JOHN DAY RIVER, and NORTH FORK JOHN DAY RIVER, tributary to the JOHN DAY RIVER

Authorized Place of Use to be Cancelled:

IRRIGATION (Tract No. 2)					
Twp	Rng	Mer	Sec	Q-Q	Acre
9 S	27 E	WM	12	NW NE	0.7

Determination and Proposed Action

The request to change the points of diversion of water as proposed in Transfer Application T-12148 cannot be effected without injury to an existing instream water right. Thus, Transfer Application T-12148 does **NOT** appear to be consistent with the requirements of ORS 537.705 and ORS 540.505 to 540.580 and OAR 690-380-5000. Pursuant to ORS 540.530, the transfer application will be denied unless the applicant notifies the Department that the applicant intends to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050, and, the Oregon Department of Fish and Wildlife and Oregon State Parks and Recreation Department recommends that the Department consent to injury of the instream water right, pursuant to OAR 690-380-5050, or Protests are filed pursuant to OAR 690-380-4030.

If Transfer Application T-12148 is approved notwithstanding the Department's preliminary determination that the transfer will result in injury, the change and subsequent use of water shall be subject to the following conditions:

- 1. 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 12096 and any related decree.*
- 2. The quantity of water diverted at the new point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
- 3. 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 the new additional point of diversion. The water user shall maintain the meter or measuring devices in good working order. The water user shall allow the Watermaster access to the meter or*

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.

measuring devices; provided however, where the meter or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

4. *Prior to diverting water, the water user shall install a fish screening and/or fish by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
5. *The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
6. *The approved change shall be completed and full beneficial use of the water shall be made 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, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 28 day of August, 2017.


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

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@oregon.gov

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.

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>



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

August 28, 2017

Ed Bowles, Administrator
Fish Division
Department of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, Oregon 97303

REFERENCE: Transfer Application T-12148

Dear Ed:

The Water Resources Department has determined that approval of Water Right Transfer T-12148 would result in injury to instream Water Right Certificate 63251 on Cottonwood Creek, due to reduction of flow within the reach between the authorized POD NO. 1 and the proposed upstream POD NO. 8. The transfer proposes to move the point of diversion (POD NO. 1) on Cottonwood Creek upstream approximately 300 feet upstream to POD NO. 8. The authorized and proposed diversion points are located as follows:

Certificate 68623

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NE NW	POD NO. 1 (COTTONWOOD CREEK) – 3100 FEET SOUTH AND 40 FEET WEST FROM THE C ¹ / ₄ CORNER OF SECTION 1

Proposed Point of Diversion:

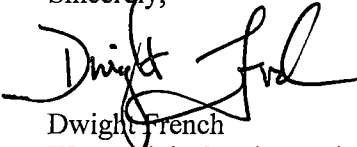
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NW NE	POD NO. 8 (COTTONWOOD CREEK) – 4500 FEET NORTH AND 2790 FEET EAST FROM THE SW CORNER OF SECTION 12

The Department's streamflow model predicts that natural flow in Cottonwood Creek is insufficient to meet the requirements the instream right. The "Transfer Comment Form" submitted on December 4, 2015 by Oregon Department of Fish and Wildlife (ODFW) John Day District Fish Biologist, Brent Smith, identified that the proposed upstream POD movement on Cottonwood Creek would result in injury. Based on potential impacts on the instream water right, we issued a Preliminary Determination (enclosed) proposing to deny the transfer unless both ODFW and Oregon State Parks and Recreation Department (OPRD) recommend that the Water Resources Department consent to injury of the instream water right as per OAR 690-380-5050.

The applicant has requested that we pursue ODFW and OPRD recommendations on whether we should consent to the injury of the instream water right pursuant to ORS 540.530(1)(c).

We hereby request a recommendation on whether we should consent to the injury to the instream water right that would result if water right transfer T-12148 were to be approved. We are enclosing a copy of the transfer application, our Preliminary Determination, and other supporting information to assist you in determining if the project would result in net benefits to the resource and in preparing a recommendation. Please send your recommendation c/o Kelly Starnes at the address above. Do not hesitate to contact Kelly Starnes at 503-986-0886 or Patrick.K.Starnes@oregon.gov if you have questions or need additional information about the proposed transfer.

Sincerely,



Dwight French
Water Right Services Administrator

enclosures

cc: Transfer Application file T-12148
Transfer applicants: Lloyd C. Bansen Family, LLC, and Jacki L. Groff
Bryan Vogt, Monument SWCD, applicant's agent
Anna Pakenham Stevenson, Oregon Department of Fish and Wildlife
Brent Smith, Oregon Department of Fish and Wildlife
Mike Ladd, WRD North Central Region Manager (*via e-mail*)
Eric Julsrud, District 4 Watermaster (*via e-mail*)



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

August 28, 2017

Alice Beals
Oregon Parks and Recreation Department
725 Summer St. NE, Suite C
Salem, OR 97301-1266

REFERENCE: Transfer Application T-12148

Dear Alice:

The Water Resources Department has determined that approval of Water Right Transfer T-12148 would result in injury to instream water right Certificate 63251 on Cottonwood Creek, due to reduction of flow within the reach between the authorized POD NO. 1 and the proposed upstream POD NO. 8. The transfer proposes to move the point of diversion (POD NO. 1) on Cottonwood Creek upstream approximately 300 feet upstream to POD NO. 8. The authorized and proposed diversion points are located as follows:

Certificate 68623

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NE NW	POD NO. 1 (COTTONWOOD CREEK) – 3100 FEET SOUTH AND 40 FEET WEST FROM THE C ¹ / ₄ CORNER OF SECTION 1

Proposed Point of Diversion:

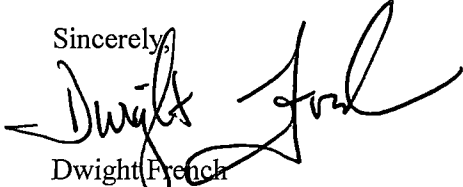
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	27 E	WM	12	NW NE	POD NO. 8 (COTTONWOOD CREEK) – 4500 FEET NORTH AND 2790 FEET EAST FROM THE SW CORNER OF SECTION 12

The Department's streamflow model predicts that natural flow in Cottonwood Creek is insufficient to meet the requirements the instream right. The "Transfer Comment Form" submitted on December 4, 2015 by Oregon Department of Fish and Wildlife (ODFW) John Day District Fish Biologist, Brent Smith, identified that the proposed upstream POD movement on Cottonwood Creek would result in injury. Based on potential impacts on the instream water right, we issued a Preliminary Determination (enclosed) proposing to deny the transfer unless both the Oregon Department of Fish and Wildlife and Oregon State Parks and Recreation Department (OPRD) recommend that the Water Resources Department consent to injury of the instream water right as per OAR 690-380-5050.

The applicant has requested that we pursue ODFW and OPRD recommendations on whether we should consent to the injury of the instream water right pursuant to ORS 540.530(1)(c).

We hereby request a recommendation on whether we should consent to the injury to the instream water right that would result if water right transfer T-12148 were to be approved. We are enclosing a copy of the transfer application, our Preliminary Determination, and other supporting information to assist you in determining if the project would result in net benefits to the resource and in preparing a recommendation. Please send your recommendation c/o Kelly Starnes at the address above. Do not hesitate to contact Kelly Starnes at 503-986-0886 or Patrick.K.Starnes@oregon.gov if you have questions or need additional information about the proposed transfer.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight French", written over a printed name.

Dwight French
Water Right Services Administrator

enclosures

cc: Transfer Application file T-12148
Transfer applicants: Lloyd C. Bansen Family, LLC, and Jacki L. Groff
Bryan Vogt, Monument SWCD, applicant's agent
Anna Pakenham Stevenson, Oregon Department of Fish and Wildlife
Brent Smith, Oregon Department of Fish and Wildlife
Mike Ladd, WRD North Central Region Manager (*via e-mail*)
Eric Julsrud, District 4 Watermaster (*via e-mail*)