

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12644, Grant County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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 Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

SILVIES VALLEY RANCH LLC
ATTN: SCOTT CAMPBELL
40000 E COWBOY LN
SENECA, OR 97873
scott.campbell@silviesvalleyranch.com

Findings of Fact

1. On April 17, 2017, SILVIES VALLEY RANCH LLC filed an application to change the place of use under Certificate 44466. The Department assigned the application number T-12644.
2. Notice of the application for transfer was published on April 25, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 13, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12644 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 14, 2017, 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.
4. The portion of the right to be transferred is as follows:
 - Certificate:** 44466 in the name of CLIFFORD L. WOLFSWINKEL (perfected under Permit S-28501)
 - Use:** SUPPLEMENTAL IRRIGATION of 110.4 ACRES
 - Priority Date:** OCTOBER 25, 1962

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: 1.38 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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-3196.
Source: HALL CREEK AND BUFFALO LAKE RESERVOIR, tributary to the SILVIES RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	31 E	WM	26	SW NE	CREEK - 2850 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 26
18 S	31 E	WM	26	SE SE	RESERVOIR - 280 FEET NORTH AND 810 FEET WEST FROM THE SE CORNER OF SECTOIN 26

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
18 S	31 E	WM	36	NE NW	34.6
18 S	31 E	WM	36	SE NW	36.8
18 S	31 E	WM	36	NE SW	39.0
Total					110.4

5. Transfer Application T-12644 proposes to change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
18 S	31 E	WM	36	NW SW		1.5
18 S	31 E	WM	36	SW SW		38.0
18 S	31 E	WM	36	SE SW		14.0
19 S	31 E	WM	1	NE NW	3	30.9
19 S	31 E	WM	1	NW NW	4	26.0
Total						110.4

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

6. 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.
7. A diversion structure and ditch 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-12644.
8. The proposed change would not result in enlargement of the right.

9. 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-12644 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-12644 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-12644 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 44466 and any related decree.*
3. *Water right Certificate 44466 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install measuring devices, at each point of diversion (new and existing).*
 - b. *The water user shall maintain the measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the measuring devices; provided however, where measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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 day FEB 26 2018.



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.

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>