

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12842, Jefferson County)	PROPOSING APPROVAL OF A
)	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

CROOKED RIVER RANCH CLUB AND
MAINTENANCE ASSOCIATION
5195 CLUB HOUSE RD
TERREBONNE, OR 97760-7682

Findings of Fact

1. On February 5, 2018, CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION filed an application to change the place of use under Certificate 81168. The Department assigned the application number T-12842.
2. Notice of the application for transfer was published on February 13, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 16, 2018, the Department contacted the applicant's agent regarding a discrepancy found in table 1 of the application and map.
4. On March 19, 2018, the applicant's agent submitted a revised map.
5. On March 20, 2018, the applicant's agent submitted a revised table 1 of the application remedying all deficiencies.

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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6. On March 20, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12842 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 19, 2018, for the applicants to respond. The applicants 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.

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

Certificate: 81168 in the name of CROOKED RIVER RANCH
(perfected under Permit G-2280)
Use: IRRIGATION OF 4.0 ACRES FROM WELL #1
Priority Date: JANUARY 24, 1963
Rate: 0.05 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 ONE-EIGHTIETH of one cubic foot 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 #1, IN THE CROOKED RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	12 E	WM	14	NE SW	2640 FEET NORTH AND 60 FEET WEST FROM THE S1/4 CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	12 E	WM	14	NE SW	1.0
13 S	12 E	WM	14	NW SE	3.0
TOTAL					4.0

8. The applicant has submitted information that better describes the location of the authorized point of appropriation as:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	12 E	WM	14	NE SW	WELL #1 - 2635 FEET NORTH AND 2745 FEET WEST FROM THE SE CORNER OF SECTION 14

9. Transfer Application T-12842 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	12 E	WM	23	NE NE	4.0

Transfer Review Criteria (OAR 690-380-4010)

10. The right was used under Temporary Transfer T-11427 during the period 2012 to 2016 and there is no information in the record that would demonstrate that the right is 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-12842.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Determination and Proposed Action

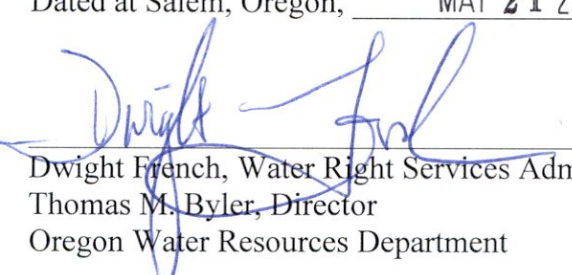
The change in place of use proposed in Transfer Application T-12842 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12842 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-12842 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 81168 and any related decree.*
3. *Water right Certificate 81168 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The former place of use of the transferred right shall no longer receive water under the right.*
5. *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.*

6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon, MAY 21 2018 .


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

This Preliminary Determination was prepared by Jessica Joye. If you have questions about the information in this document, you may reach me at 503-986-0814 or Jessica.L.Joye@oregon.gov

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>