



Oregon

Kate Brown, Governor

Water Resources Department

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September 21, 2018

TRAVIS AND KELLY SINGHOSE
29327 WEAVER SPRINGS LANE
BURNS OR 97720

SUBJECT: Water Right Transfer Application T-12819

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12819. 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 503-986-0886 or 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-12819
J.R. Johnson, Watermaster, District 10 *(via e-mail)*
John A. Short, Agent for the applicant *(via e-mail)*

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-12819, Harney County)	PROPOSING APPROVAL OF
)	ADDITIONAL POINTS OF
)	APPROPRIATION AND 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

TRAVIS AND KELLY SINGHOSE
29327 WEAVER SPRINGS LANE
BURNS, OR 97720

Findings of Fact

1. On January 4, 2018, TRAVIS AND KELLY SINGHOSE filed an application for additional points of appropriation and to change the place of use under Certificates 55574 and 82391. The Department assigned the application number T-12819.
2. Notice of the application for transfer was published on January 16, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 31, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12819 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of August 31, 2018 for the applicants to respond. The applicants requested the completion date be extended to October 1, 2023 and for 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.

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

Certificate: 55574 in the name of THOMAS C. CLEMENS (perfected under Permit G-6961)
Use: IRRIGATION OF 120.0 ACRES
Priority Date: AUGUST 12, 1976
Rate: 1.5 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, 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	31 E	WM	16	NW NE	WELL 5 - 1300 FEET SOUTH AND 2050 FEET WEST FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	16	NE NE	40.0
25 S	31 E	WM	16	NW NE	40.0
25 S	31 E	WM	16	NE NW	40.0
Total					120.0

5. Transfer Application T-12819 proposes additional points of appropriation listed in the table below with the approximate distances from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance in Miles from the authorized POD - Well #5
25 S	31 E	WM	15	NW NW	ROBEY WELL 1 - 1300 FEET NORTH AND 1320 FEET WEST FROM THE CENTER CORNER OF SECTION 15	0.65 mi
25 S	31 E	WM	15	SW NE	ROBEY WELL 2 - 1350 FEET NORTH AND 1320 FEET EAST FROM THE CENTER CORNER OF SECTION 15	1.15 mi
25 S	31 E	WM	9	SE NE	WELL 1 - 4020 FEET NORTH AND 430 FEET WEST FROM THE SE CORNER OF SECTION 9	1.07 mi
25 S	31 E	WM	9	NE SW	WELL 2 - 20 FEET SOUTH FROM THE CENTER CORNER OF SECTION 9	0.74 mi
25 S	31 E	WM	9	SE SE	WELL 3 - 1370 FEET NORTH AND 1270 FEET WEST FROM THE SE CORNER OF SECTION 9	0.53 mi
25 S	31 E	WM	10	NW SW	WELL 4 - 1400 FEET NORTH AND 620 FEET EAST FROM THE SE CORNER OF SECTION 9	0.72 mi

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance in Miles from the authorized POD – Well #5
25 S	31 E	WM	10	SE SW	WELL 6 - 110 FEET NORTH AND 1380 FEET EAST FROM THE SE CORNER OF SECTION 9	0.70 mi
25 S	31 E	WM	9	SE SW	WELL 10 - 50 FEET SOUTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 9	0.26 mi
25 S	31 E	WM	9	SE SW	WELL 11 - 1240 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF SECTION 9	0.50 mi
25 S	31 E	WM	9	SE SE	WELL 12 - 1170 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER OF SECTION 9	0.58 mi
25 S	31 E	WM	10	SW SW	WELL 13 - 1160 FEET NORTH AND 60 FEET EAST FROM THE SE CORNER OF SECTION 9	0.61 mi
25 S	31 E	WM	9	NE SE	WELL 14 - 1500 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 9	0.63 mi
25 S	31 E	WM	9	SE NE	WELL 15 - 2710 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 9	0.77 mi
25 S	31 E	WM	10	SW SW	WELL 16 - 1340 FEET NORTH AND 1220 FEET EAST FROM THE SE CORNER OF SECTION 9	0.70 mi
25 S	31 E	WM	16	NE NE	WELL A - 130 FEET SOUTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 9	0.39 mi
25 S	31 E	WM	16	NW NE	WELL B - 460 FEET SOUTH AND 2070 FEET WEST FROM THE SE CORNER OF SECTION 9	0.16 mi
25 S	31 E	WM	15	NW NW	WELL C - 600 FEET SOUTH AND 50 FEET EAST FROM THE SE CORNER OF SECTION 9	0.42 mi
25 S	31 E	WM	15	SW NW	WELL D - 1320 FEET SOUTH AND 100 FEET EAST FROM THE SE CORNER OF SECTION 9	0.40 mi

6. Transfer Application T-12819 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	16	NE NE	22.1
25 S	31 E	WM	16	NW NE	29.8
25 S	31 E	WM	16	SW NE	16.7
25 S	31 E	WM	16	NE NW	16.3
25 S	31 E	WM	16	SE NW	35.1
Total					120.0

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

Certificate: 82391 in the name of J. W. MCCALLISTER AND JETT C. BLACKBURN
(perfected under Permit G-9879)
Use: IRRIGATION OF 343.0 ACRES
Priority Date: APRIL 19, 1982
Rate: 4.29 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, is limited to ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Source: WELLS 1, 3, and 4 within the MALHEUR LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	31 E	WM	9	SE NE	WELL 1 - 4100 FEET NORTH AND 340 FEET WEST FROM THE SE CORNER OF SECTION 9
25 S	31 E	WM	9	SE SE	WELL 3 - 1370 FEET NORTH AND 1270 FEET WEST FROM THE SE CORNER OF SECTION 9
25 S	31 E	WM	10	NW SW	WELL 4 - 1400 FEET NORTH AND 620 FEET EAST FROM THE SW CORNER OF SECTION 9

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	9	SW NE	31.6
25 S	31 E	WM	9	SE NE	41.2
25 S	31 E	WM	9	SW NW	1.4
25 S	31 E	WM	9	SE NW	35.6
25 S	31 E	WM	9	NE SW	35.2
25 S	31 E	WM	9	NW SW	1.4
25 S	31 E	WM	9	NE SE	41.1
25 S	31 E	WM	9	NW SE	32.0
25 S	31 E	WM	9	SE SE	41.2
25 S	31 E	WM	10	NW SW	41.1
25 S	31 E	WM	10	SW SW	41.2
Total					343.0

8. Transfer Application T-12819 proposes additional points of appropriation listed in the table below with the approximate distances from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized well locations measured in miles (mi)		
						Well 1	Well 3	Well 4
25 S	31 E	WM	15	NW NW	ROBEY WELL 1 - 1300 FEET NORTH AND 1320 FEET WEST FROM THE CENTER CORNER OF SECTION 15	1.05	0.70	0.52
25 S	31 E	WM	15	SW NE	ROBEY WELL 2 - 1350 FEET NORTH AND 1320 FEET EAST FROM THE CENTER CORNER OF SECTION 15	1.30	1.12	0.81

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the authorized well locations measured in miles (mi)		
						Well 1	Well 3	Well 4
25 S	31 E	WM	9	NE SW	WELL 2 - 20 FEET SOUTH FROM THE CENTER CORNER OF SECTION 9	0.53	0.35	0.66
25 S	31 E	WM	16	NW NE	WELL 5 - 1300 FEET SOUTH AND 2050 FEET WEST FROM THE SE CORNER OF SECTION 9	1.07	0.52	0.71
25 S	31 E	WM	10	SE SW	WELL 6 - 110 FEET NORTH AND 1380 FEET EAST FROM THE SE CORNER OF SECTION 9	0.82	0.55	0.28
25 S	31 E	WM	9	SE SW	WELL 10 - 50 FEET SOUTH AND 2650 FEET WEST FROM THE SE CORNER OF SECTION 9	0.90	0.37	0.68
25 S	31 E	WM	9	SE SW	WELL 11 - 1240 FEET NORTH AND 2780 FEET WEST FROM THE SE CORNER OF SECTION 9	0.71	0.28	0.65
25 S	31 E	WM	9	SE SE	WELL 12 - 1170 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER OF SECTION 9	0.55	0.20	0.16
25 S	31 E	WM	10	SW SW	WELL 13 - 1160 FEET NORTH AND 60 FEET EAST FROM THE SE CORNER OF SECTION 9	0.56	0.26	0.11
25 S	31 E	WM	9	NE SE	WELL 14 - 1500 FEET NORTH AND 260 FEET WEST FROM THE SE CORNER OF SECTION 9	0.49	0.19	0.17
25 S	31 E	WM	9	SE NE	WELL 15 - 2710 FEET NORTH AND 1310 FEET WEST FROM THE SE CORNER OF SECTION 9	0.32	0.25	0.44
25 S	31 E	WM	10	SW SW	WELL 16 - 1340 FEET NORTH AND 1220 FEET EAST FROM THE SE CORNER OF SECTION 9	0.60	0.48	0.13
25 S	31 E	WM	16	NE NE	WELL A - 130 FEET SOUTH AND 330 FEET WEST FROM THE SE CORNER OF SECTION 9	0.80	0.34	0.34
25 S	31 E	WM	16	NW NE	WELL B - 460 FEET SOUTH AND 2070 FEET WEST FROM THE SE CORNER OF SECTION 9	0.92	0.38	0.62
25 S	31 E	WM	15	NW NW	WELL C - 600 FEET SOUTH AND 50 FEET EAST FROM THE SE CORNER OF SECTION 9	0.89	0.45	0.4
25 S	31 E	WM	15	SW NW	WELL D - 1320 FEET SOUTH AND 100 FEET EAST FROM THE SE CORNER OF SECTION 9	1.02	0.57	0.52

9. Transfer Application T-12819 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	9	SW NE	31.3
25 S	31 E	WM	9	SE NE	31.4
25 S	31 E	WM	9	SE NW	31.5
25 S	31 E	WM	9	NE SW	31.3
25 S	31 E	WM	9	SE SW	30.2
25 S	31 E	WM	9	NE SE	31.4
25 S	31 E	WM	9	NW SE	31.5
25 S	31 E	WM	9	SW SE	30.2
25 S	31 E	WM	9	SE SE	31.4
25 S	31 E	WM	10	NW SW	31.4
25 S	31 E	WM	10	SW SW	31.4
Total					343.0

Transfer Review Criteria (OAR 690-380-4010)

10. 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.
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-12819.
12. The proposed changes would not result in enlargement of the rights.
13. The proposed changes would not result in injury to other water rights.
14. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation and change in place of use proposed in Transfer Application T-12819 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.

If Transfer Application T-12819 is approved, the final order will include the following:

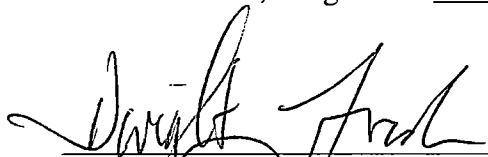
1. *The additional points of appropriation and change in place of use proposed in Transfer Application T-12819 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 55574 and 82391 and any related decree.*
3. *Water right Certificates 55571 and 82391 are cancelled.*

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 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.*

6. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *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 changes and full beneficial use of the water.*

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

Dated at Salem, Oregon this SEP 27 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>