

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12784, Clackamas County	)	PROPOSING APPROVAL OF
	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

**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**

DEBORAH UNRAU  
33245 S. DRYLAND RD.  
MOLALLA, OR 97038

**Findings of Fact**

1. On December 12, 2017, Neal F. Lucht and Pamela M. Lucht, Trustees of the Lucht Living Trust Dated December 29, 1994 filed an application for additional points of appropriation under Certificate 52854. The Department assigned the application number T-12784.
2. On April 1, 2019, the Department approved an assignment of ownership from Neal F. Lucht and Pamela M. Lucht, Trustees of the Lucht Living Trust Dated December 29, 1994 to Deborah Unrau.
3. On April 4, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12784 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 7, 2019, 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. Notice of the application for transfer was published on December 19, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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.
--

5. On May 6, 2019 the applicant requested to extend the date for full beneficial use of the water to October 1, 2023.

6. The right to be transferred is as follows:

**Certificate:** 52854 in the name of CRESTVIEW FARMS INC. (perfected under Permit G-9818)

**Use:** IRRIGATION OF 12.0 ACRES

**Priority Date:** JUNE 7, 1982

**Rate:** 0.15 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, 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that in the event of a request for a change in point of appropriation, an additional point of appropriation of repair of this well, the quantity of water allowed herein together with any other right from this point of appropriation shall not exceed the capacity of this well at the time of perfection of this right.

**Source:** ONE WELL, a tributary of ROCK CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	23	NW NE	1300 FEET SOUTH AND 1430 FEET WEST FROM THE NE CORNER OF SECTION 23

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	23	NE NW	1.40
5 S	1 E	WM	23	NW NW	3.90
5 S	1 E	WM	23	SW NW	4.00
5 S	1 E	WM	23	SE NW	2.70
TOTAL					12.0

7. Transfer Application T-12784 proposes additional points of appropriation with approximate distances from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from Authorized Well in feet (ft)
5 S	1 E	WM	23	NW NW	WELL 1 - 1200 FEET SOUTH AND 960 FEET EAST FROM THE NW CORNER OF SECTION 23	2904 ft
5 S	1 E	WM	23	NE NW	WELL 2 - 1210 FEET SOUTH AND 1550 FEET EAST FROM THE NW CORNER OF SECTION 23	2244 ft

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

8. Water has been used within the last five years prior to the submittal of Transfer Application T-12784 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.
9. A pump, pipeline, and sprinkler system 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-12784.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water right.
12. All other application requirements are met.

**Determination and Proposed Action**

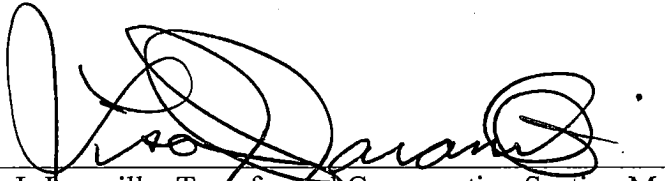
The additional points of appropriation proposed in Transfer Application T-12784 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12784 is approved, the final order will include the following:*

1. *The additional points of appropriation proposed in Transfer Application T-12784 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 Certificate 52854 and any related decree.*
3. *Water right Certificate 52854 is cancelled.*
4. *The quantity of water diverted at the additional points of appropriation (Well 1 and 2), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.*

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

Dated at Salem, Oregon this JUN 04 2019.



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

*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>



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 4, 2019

VIA E-MAIL

### APPLICANT

DEBORAH UNRAU  
33245 S. DRYLAND RD.  
MOLALLA, OR 97038

SUBJECT: Water Right Transfer Application T-12784

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12784. 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 Molalla Pioneer 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 if I may be of assistance at [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov) or via phone at 503-986-0864.

Kindest regards,

Transfer Specialist  
Transfer and Conservation Section

cc: T-12784  
Joel M. Plahn, District 16 Watermaster (via e-mail)  
Encs