

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12995, Douglas 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**

MARK WRIGHT, TRUSTEE  
6856 CASUAL COURT  
SAN JOSE, CA 97210

**Agent**

NATHAN REED  
1113 S.E. CASS AVENUE  
ROSEBURG, OR 97470

**Findings of Fact**

1. On July 30, 2018, Mark Wright filed an application to change the place of use under Certificate 52763. The Department assigned the application number T-12995.
2. Notice of the application for transfer was published on August 7, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 15, 2019, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12995 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 15, 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. On July 18, 2019, the applicant requested the Department to extend the completion date of transfer five years from October 1, 2020. The amended completion date is October 1, 2025.

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

**Certificate:** 52763 in the name of GLEN A. & MONICA K WRIGHT (perfected under Permit S-44495)  
**Use:** DOMESTIC USE FOR ONE FAMILY INCLUDING THE IRRIGATION OF LAWN AND GARDEN NOT TO EXCEED ½ ACRE IN AREA  
**Priority Date:** AUGUST 27, 1979  
**Rate:** 0.010 CUBIC FOOT PER SECOND (cfs)  
**Source:** NORTH FORK DEER CREEK, A TRIBUTARY OF DEER CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	4 W	WM	22	NE NW	1220 FEET SOUTH AND 700 FEET WEST FROM THE N¼ CORNER OF SECTION 22

**Authorized Place of Use:**

DOMESTIC USE EXPANDED				
Twp	Rng	Mer	Sec	Q-Q
27 S	4 W	WM	22	NE NW

6. Transfer Application T-12995 proposes to change the place of use for the above described right to:

DOMESTIC USE EXPANDED				
Twp	Rng	Mer	Sec	Q-Q
27 S	4 W	WM	22	SE NW

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

7. Water has been used within the five-year period 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.
8. A diversion structure, pipeline and water delivery system 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-12995.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.


**Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-12995 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-12995 is approved, the final order will include the following:*

- 1. The change in place of use proposed in Transfer Application T-12995 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 52763 and any related decree.*
- 3. Water right Certificate 52763 is cancelled.*
- 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, 2025**. 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 in Salem, Oregon on **JUL 17 2019**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, 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 Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 10, 2019

MARK WRIGHT, TRUSTEE  
6856 CASUAL COURT  
SAN JOSE CA 97210

SUBJECT: Water Right Transfer Application T-12995

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12995. 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 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 Department's notice.

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](mailto: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-12995  
Susan Douthit, District 15 Watermaster *(via e-mail)*  
Nathan Reed, Agent/CWRE for the applicant *(via e-mail)*

encs