



Oregon
Kate Brown, Governor

Water Resources Department
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August 26, 2019

WAIBEL RANCHES, LLC
BOB WILLIAMS
3672 JUNIPER CANYON RD
PRINEVILLE, OR 97754

SUBJECT: Water Right Transfer Application T-12404

Please find enclosed the revised Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12404. 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 revised 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 revised Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-12404
Jeremy T. Giffin, District 11 Watermaster *(via e-mail)*
Hayes McCoy, Agent for the applicant *(via e-mail)*
Bruce Estes, CWRE #1 *(via e-mail)*

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

In the Matter of Transfer Application)
T-12404, Crook County)

) **REVISED** PRELIMINARY
) DETERMINATION PROPOSING
) APPROVAL OF CHANGES IN POINTS
) OF DIVERSION AND CHANGES IN
) PLACES 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

WAIBEL RANCHES, LLC
BOB WILLIAMS
3672 JUNIPER CANYON RD
PRINEVILLE, OR 97754

Findings of Fact

1. On June 6, 2016, WAIBEL RANCHES, LLC, by BOB WILLIAMS filed an application for additional points of diversion, to change the points of diversion, and to change the place of use under Certificates 667, 34225, 37548, 52351, 52354, 52520, 55659, 75947, 84191, 84192, 84304, 84305, 89146, 89147, 89148, and 89610. The Department assigned the application number T-12404.
2. Notice of the application for transfer was published on June 14, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 2, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by September 17, 2018.

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. On September 7, 2018, the applicant's agent responded to one of the deficiencies involving Certificates 75946 and 75947. The District 11 Watermaster was concerned that the lands changing place of use under Certificates 75946 and 75947 would continue to receive water due to sub-irrigation from the source. The applicant's agent identified that the applicant would plow a ditch along the cut off line to force the water back to the North Fork Crooked River.
5. On September 10, 2018, the District 11 Watermaster responded and agreed with the actions described by the applicant's agent.
6. On September 13, 2018, the applicant submitted a revised Table 2 for Certificate 52520.
7. On October 24, 2018, the applicant submitted additional Evidence of Use supporting documentation.
8. On November 16, 2018, the applicant's agent submitted an Affidavit for the Voluntary Cancellation of a Portion of Water Right Certificate 52520, resolving the deficiencies.
9. On January 21, 2019, the applicant's agent submitted a revised map and table for Certificates 55659 and 84304.
10. On February 28, 2019, the applicant's agent submitted revised maps and tables for Certificates 52520, 89147, 89610, and 55659, and an Affidavit for the Voluntary Partial Diminution of Certificate 89148, resolving the deficiencies.
11. On May 7, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12404 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 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.
12. On August 9, 2019, the applicant's Certified Water Rights Examiner identified scrivener's errors in the Preliminary Determination:
 - The season as described on Certificate 667 is incorrect. The original certificate identified July 1 to September 15 as the irrigation season, however, as evidenced by Department documents dated January 19, 1968, and a notation on the original certificate clarified the duration of the irrigation season should conform to the season as described in the Crooked River Decree, being February 1 to December 1;
 - The proposed place of use under Certificate 84304 was revised February 19, 2019, correcting the location of the place of use, not the amount of acres moving;
 - The proposed place of use under Certificate 89610 was revised February 28, 2019, correcting the location of the place of use, not the amount of acres moving;

- 10.0 acres of supplemental irrigation as identified in the application under Certificate 52520, was not included in the draft Preliminary Determination or the Preliminary Determination;
- The applicant requested an additional point of diversion under Certificate 52351, not a change in point of diversion;
- The change in points of diversion under Certificates 84305 and 84192 are moving downstream, not upstream; and
- The applicant requested to cancel a portion of acres under Certificate 89147. The Department determined a portion of the rate authorized by the certificate would not be cancelled, as the right was considered to have a deficient rate, and enlargement of the right would not occur.

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

Certificate: 667 in the name of T J STEWART (confirmed by Crooked River (F))
Use: IRRIGATION of 111.8 ACRES OF LAND, and STOCK AND DOMESTIC USE
Priority Date: 1900
Rate: A REASONABLE AMOUNT FOR DOMESTIC AND STOCK USE, AND 1.40 CUBIC FEET PER SECOND FROM FEBRUARY 1ST TO DECEMBER 1ST, OF EACH YEAR FOR IRRIGATION
Source: NORTH FORK CROOKED RIVER, a tributary of DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
NONE IDENTIFIED				

Authorized Place of Use:

IRRIGATION, STOCK, AND DOMESTIC USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NE NE	19.0
17 S	21 E	WM	8	NW NE	29.8
17 S	21 E	WM	8	NE NW	38.0
17 S	21 E	WM	8	NW NW	25.0
Total					111.8

14. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 667 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	5	NW NE	10 FEET SOUTH AND 2900 FEET EAST FROM THE NW CORNER OF SECTION 5

15. Transfer Application T-12404 proposes to change the place of use of the right to:

IRRIGATION, STOCK, AND DOMESTIC USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SW SW	4.8

IRRIGATION, STOCK, AND DOMESTIC USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SE SW	22.1
17 S	21 E	WM	4	SW SE	28.5
17 S	21 E	WM	4	SE SE	20.7
17 S	21 E	WM	9	NE NE	9.4
17 S	21 E	WM	9	NW NE	20.0
17 S	21 E	WM	9	NE NW	6.3
Total					111.8

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

Certificate: 84191 in the name of LES SCHWAB WAREHOUSE, INC. (perfected under Permit S-2623)
Use: IRRIGATION of 17.8 ACRES
Priority Date: JUNE 9, 1915
Rate: 0.22 CUBIC FOOT PER SECOND
Source: NORTH FORK CROOKED RIVER, tributary of the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	5	NW NE	10 FEET SOUTH AND 2900 FEET EAST FROM THE NW CORNER OF SECTION 5

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	5	SW SE	0.4
17 S	21 E	WM	5	SE SE	5.9
17 S	21 E	WM	9	NW NE	3.0
17 S	21 E	WM	9	NE NW	7.8
17 S	21 E	WM	9	NW NW	0.7
Total					17.8

17. Transfer Application T-12404 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	3	SW SW	1.2
17 S	21 E	WM	4	NE SE	4.0
17 S	21 E	WM	4	SE SE	12.6
Total					17.8

18. The third right to be transferred is as follows:

Certificate: 84304 in the name of R. R. PRICE (perfected under Permit S-2623)
Use: IRRIGATION of 22.2 ACRES
Priority Date: JUNE 9, 1915
Rate: 0.28 CUBIC FOOT PER SECOND
Source: NORTH FORK CROOKED RIVER, tributary to the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
17 S	21 E	WM	5	NW NE	NORTH FORK DITCH

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SW SW	10.0
17 S	21 E	WM	4	SE SW	11.0
17 S	21 E	WM	4	SW SE	1.2
Total					22.2

19. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 84304 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	5	NW NE	10 FEET SOUTH AND 2900 FEET EAST FROM THE NW CORNER OF SECTION 5

20. Transfer Application T-12404 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	NE SE	2.0
17 S	21 E	WM	4	SE SE	2.9
17 S	21 E	WM	8	NE NW	2.0
17 S	21 E	WM	8	NW NW	15.1
17 S	21 E	WM	8	SW NW	0.2
Total					22.2

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

Certificate: 75947 in the name of PRINEVILLE LAND AND LIVESTOCK COMPANY (confirmed by Crooked River)

Use: IRRIGATION of 48.2 ACRES, STOCK AND DOMESTIC USE

Priority Date: 1893

Rate: 0.60 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water is limited to an amount actually beneficially used for said purposes and shall not to exceed a reasonable amount for domestic and stock use and shall be further limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: DEEP CREEK, a tributary of NORTH FORK CROOKED RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
NONE IDENTIFIED				

Authorized Place of Use:

IRRIGATION, STOCK, AND DOMESTIC USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	21 E	WM	22	SW NE	25.6
14 S	21 E	WM	22	SE NW	5.6

IRRIGATION, STOCK, AND DOMESTIC USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	21 E	WM	22	NE SW	1.3
14 S	21 E	WM	22	NE SE	3.4
14 S	21 E	WM	22	NW SE	12.3
Total					48.2

22. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 75947 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	21 E	WM	29	SW NE	160 FEET NORTH AND 2080 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

23. Transfer Application T-12404 proposes to move the authorized point of diversion approximately 36.6 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	5	NW NE	DIVERSION 1 - 10 FEET SOUTH AND 2900 FEET EAST FROM THE NW CORNER OF SECTION 5

24. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION, STOCK, AND DOMESTIC USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	5	SE SW	0.2
17 S	21 E	WM	5	SW SE	0.4
17 S	21 E	WM	8	NW NE	20.6
17 S	21 E	WM	8	SW NE	0.2
17 S	21 E	WM	8	NE NW	26.7
17 S	21 E	WM	8	SE NW	0.1
Total					48.2

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

Certificate: 89610 in the name of LES SCHWAB TIRE CENTERS OF OREGON and BIG SUMMIT PRAIRIES, INC. (perfected under Permit S-24774)

Use: IRRIGATION of 2.4 ACRES

Priority Date: JUNE 30, 1955

Rate: 0.06 CUBIC FOOT PER SECOND FROM NORTH FORK CROOKED RIVER FOR THE IRRIGATION OF 2.4 ACRES

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-FORTIETH 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 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: NORTH FORK CROOKED RIVER, tributary of CROOKED RIVER

Authorized Point of Diversion:

NORTH FORK CROOKED RIVER					
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
14 S	21 E	WM	29	SW NE	160 FEET NORTH AND 2080 FEET WEST FROM THE E1/4 CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
14 S	21 E	WM	22	SE NE	2.2
14 S	21 E	WM	22	NW SE	0.2
Total					2.4

26. Transfer Application T-12404 proposes to move the authorized point of diversion approximately 36.6 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	5	NW NE	10 FEET SOUTH AND 2900 FEET EAST FROM THE NW CORNER OF SECTION 5

27. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NE NW	2.4

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

Certificate: 55659 in the name of LES SCHWAB TIRE CENTERS OF OREGON, INC. (perfected under Permit S-48863)

Use: IRRIGATION of 38.3 ACRES and SUPPLEMENTAL IRRIGATION of 232.8 ACRES

Priority Date: JULY 15, 1970

Rate: 3.56 CUBIC FEET PER SECOND (CFS); BEING 1.37 CFS FROM DIVERSION #1 (NORTH FORK); 0.52 CFS FROM DIVERSION #2 (CROOKED RIVER); 1.20 CFS FROM DIVERSION #3 (CROOKED RIVER); AND 0.47 CFS FROM DIVERSION #4 (CROOKED RIVER)

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-FORTIETH 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 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: NORTH FORK CROOKED RIVER and CROOKED RIVER, a tributary of DESCHUTES RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	4	SE SE	DIVERSION #3 - 60 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 4
17 S	21 E	WM	5	NW NE	DIVERSION #1 - 10 FEET SOUTH AND 2900 FEET EAST FROM THE NW CORNER OF SECTION 5
17 S	21 E	WM	8	NE NE	DIVERSION #4 - 2360 FEET NORTH AND 1310 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 8
17 S	21 E	WM	9	NW NE	DIVERSION #2 - 1870 FEET NORTH AND 2900 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 9

Authorized Place of Use:

DIVERSION 1 SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SW SW	8.8
17 S	21 E	WM	4	SE SW	11.0
17 S	21 E	WM	4	SW SE	1.2
17 S	21 E	WM	5	SW SE	0.4
17 S	21 E	WM	5	SE SE	5.9
17 S	21 E	WM	8	NE NE	1.6
17 S	21 E	WM	8	NW NE	1.1
17 S	21 E	WM	8	NE NW	10.9
17 S	21 E	WM	8	NW NW	22.0
17 S	21 E	WM	9	NW NE	3.0
17 S	21 E	WM	9	NE NW	7.8
17 S	21 E	WM	9	NW NW	0.7
Total					74.4

DIVERSION 2 PRIMARY					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NW	5.0
17 S	21 E	WM	9	SE NW	0.2
Total					5.2

DIVERSION 2 SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NE NE	6.5
17 S	21 E	WM	9	NE NW	9.7
17 S	21 E	WM	9	NW NW	30.2
17 S	21 E	WM	9	SW NW	6.0
17 S	21 E	WM	9	SE NW	5.0
Total					57.4

DIVERSION 3 PRIMARY					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SW SE	12.4
17 S	21 E	WM	9	NW NE	10.4
17 S	21 E	WM	9	SE NE	2.7
17 S	21 E	WM	10	SW NW	5.1
Total					30.6

DIVERSION 3 SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	NE SE	1.0
17 S	21 E	WM	4	SW SE	8.9
17 S	21 E	WM	4	SE SE	35.1
17 S	21 E	WM	9	NE NE	9.0
17 S	21 E	WM	9	NW NE	5.4
17 S	21 E	WM	9	SW NE	2.0
17 S	21 E	WM	9	SE NE	6.9
Total					68.3

DIVERSION 4 PRIMARY					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	5	SE SW	0.5
17 S	21 E	WM	5	SW SE	2.0
Total					2.5

DIVERSION 4 SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NW NE	19.7
17 S	21 E	WM	8	NE NW	13.0
Total					32.7

29. Transfer Application T-12404 proposes to move the authorized points of diversion (POD) for Diversions 2, 3, and 4 downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	9	NE NE	DIVERSION 3A - 880 FEET SOUTH AND 630 FEET WEST FROM THE NE CORNER OF SECTION 9
17 S	21 E	WM	9	NE NW	DIVERSION 2A - 820 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 9

Approximate distance from original POD in miles (mi.)				
POD	Diversion #1	Diversion #2	Diversion #3	Diversion #4
2A	3.3 mi.	0.1 mi.	0.6 mi.	0.7 mi.
3A	3.8 mi.	0.4 mi.	0.2 mi.	1.3 mi.

30. Transfer Application T-12404 also proposes to change the place of use of the right to:

DIVERSION 2A AND 3A PRIMARY					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SE SE	1.3
17 S	21 E	WM	11	NW SW	27.5
17 S	21 E	WM	11	SW SW	9.5
Total					38.3

DIVERSION 1 SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	3	SW SW	1.2
17 S	21 E	WM	4	SW SW	4.8
17 S	21 E	WM	4	SE SW	22.1
17 S	21 E	WM	4	NE SE	6.0

DIVERSION 1 SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SW SE	2.4
17 S	21 E	WM	4	SE SE	15.5
17 S	21 E	WM	8	NE NW	0.8
17 S	21 E	WM	8	NW NW	15.1
17 S	21 E	WM	8	SW NW	0.2
17 S	21 E	WM	9	NE NW	6.3
Total					74.4

DIVERSION 2A SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SW SE	26.1
17 S	21 E	WM	9	NW NE	13.1
17 S	21 E	WM	9	SE NW	8.7
17 S	21 E	WM	9	NE SW	0.2
Total					48.1

DIVERSION 2A AND 3A SUPPLEMENTAL					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NE	11.60
17 S	21 E	WM	9	NE NE	1.90
17 S	21 E	WM	9	SE NE	6.20
17 S	21 E	WM	9	NE NW	22.30
17 S	21 E	WM	9	NW NW	28.60
17 S	21 E	WM	10	NE NW	1.90
17 S	21 E	WM	10	NW NW	25.70
17 S	21 E	WM	10	SW NW	12.10
Total					110.3

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

Certificate: 52520 in the name of LES SCHWAB TIRE CENTERS, INC. dba L.S. RANCH (perfected under Permit S-21721)

Use: IRRIGATION of 56.4 ACRES

Priority Date: APRIL 5, 1950

Rate: 1.71 CUBIC FEET PER SECOND, BEING 1.21 CFS FROM CROOKED RIVER, AND 0.50 CFS FROM SARVIS CREEK

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-FORTIETH 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 4 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoirs constructed under Permits R-1422 and R-1423.

Source: CROOKED RIVER, STEWART CREEK, SARVIS CREEK AND 2 RESERVOIRS CONSTRUCTED UNDER PERMITS R-1422 AND R-1423, a tributary of CROOKED RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	9	NW NE	CROOKED RIVER - 810 FEET SOUTH AND 2370 FEET WEST FROM THE NE CORNER OF SECTION 9
17 S	21 E	WM	9	SE NW	SARVIS CREEK - NONE GIVEN

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NW	7.0
17 S	21 E	WM	9	NW NW	38.2
17 S	21 E	WM	9	SW NW	6.0
17 S	21 E	WM	9	SE NW	5.2
Total					56.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NE NE	10.0

32. The Department received information from the applicant that better describes the location of the authorized point of diversion on Sarvis Creek for Certificate 52520 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	9	SE NW	960 FEET NORTH AND 2100 FEET EAST FROM THE W1/4 CORNER OF SECTION 9

33. Transfer Application T-12404 proposes to move the authorized points of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POD in miles (mi.)	
17 S	21 E	WM	9	NE NW	DIVERSION 2A - 820 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 9	CROOKED RIVER	SARVIS CREEK
						0.4 mi.	0.4 mi.
17 S	21 E	WM	9	NE SW	SARVIS RESERVOIR - 2730 FEET SOUTH AND 3670 FEET WEST FROM THE NE CORNER OF SECTION 9	1.3 mi.	0.5 mi.

34. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NE NE	1.8
17 S	21 E	WM	9	NE NW	22.3
17 S	21 E	WM	9	NW NW	28.6
17 S	21 E	WM	9	SW NW	3.7
Total					56.4

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NE	9.4
17 S	21 E	WM	9	NW NE	0.6
Total					10.0

35. The eighth right to be transferred is as follows:

Certificate: 52351 in the name of LES SCHWAB TIRE CENTERS, INC. dba L. S. RANCH (perfected under Permit S-34071)
Use: IRRIGATION of 48.9 ACRES
Priority Date: NOVEMBER 15, 1968
Rate: 185.0 ACRE-FEET STORED WATER ONLY
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 a diversion of 4 acre-feet for each acre irrigated from storage during the irrigation season of each year.
Source: MAINLINE RESERVOIR 3 CONSTRUCTED UNDER PERMIT R-5409, a tributary of CROOKED RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	15	SW SE	4170 FEET SOUTH AND 2500 FEET WEST FROM THE NE CORNER OF SECTION 15

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	NE SE	7.6
17 S	21 E	WM	10	SE SE	3.6
17 S	21 E	WM	11	NW SW	27.9
17 S	21 E	WM	11	SW SW	9.8
Total					48.9

36. Transfer Application T-12404 proposes an additional point of diversion approximately 1.4 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	11	SW SW	930 FEET NORTH AND 1230 FEET EAST FROM THE SW CORNER OF SECTION 11

37. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SE NE	9.7
17 S	21 E	WM	10	NE SE	0.1
17 S	21 E	WM	11	SW NW	26.9
17 S	21 E	WM	11	SE NW	8.1
17 S	21 E	WM	11	NE SW	0.6
17 S	21 E	WM	11	NW SW	3.5
Total					48.9

38. The ninth right to be transferred is as follows:

Certificate: 52354 in the name of LES SCHWAB TIRE CENTERS, INC. dba L. S. RANCH (perfected under Permit G-6699)
Use: SUPPLEMENTAL IRRIGATION of 48.9 ACRES
Priority Date: DECEMBER 4, 1975
Rate: 0.61 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: CEMETARY WELL, a tributary of CROOKED RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	11	SW SW	450 FEET NORTH AND 1220 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	NE SE	7.6
17 S	21 E	WM	10	SE SE	3.6
17 S	21 E	WM	11	NW SW	27.9
17 S	21 E	WM	11	SW SW	9.8
Total					48.9

39. Transfer Application T-12404 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SE NE	9.7
17 S	21 E	WM	10	NE SE	0.1
17 S	21 E	WM	11	SW NW	26.9
17 S	21 E	WM	11	SE NW	8.1
17 S	21 E	WM	11	NE SW	0.6
17 S	21 E	WM	11	NW SW	3.5
Total					48.9

40. The tenth right to be transferred is as follows:

Certificate: 34225 in the name of D. C. MAINE (perfected under Permit S-24022)
Use: IRRIGATION of 46.1 ACRES
Priority Date: JANUARY 13, 1956
Rate: 0.78 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-FORTIETH 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 4 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, a tributary of DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	9	NE NE	990 FEET SOUTH AND 760 FEET WEST FROM THE NE CORNER OF SECTION 9

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NE	4.4
17 S	21 E	WM	9	NW NE	11.6
17 S	21 E	WM	9	SW NE	12.3
17 S	21 E	WM	9	SE NE	4.8
17 S	21 E	WM	9	NE NW	10.0
17 S	21 E	WM	9	SE NW	3.0
Total					46.1

41. Transfer Application T-12404 proposes to move the authorized point of diversion approximately 0.4 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	9	NE NW	820 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 9

42. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NW NE	16.2
17 S	21 E	WM	9	SW NE	13.4
17 S	21 E	WM	9	SE NE	1.2
17 S	21 E	WM	9	NE NW	3.5
17 S	21 E	WM	9	SE NW	11.8
Total					46.1

43. The eleventh right to be transferred is as follows:

Certificate: 84305 in the name of LES SCHWAB (perfected under Permit S-26748)

Use: IRRIGATION of 46.6 ACRES

Priority Date: APRIL 29, 1960 for 0.49 CFS and MAY 24, 1960 for 0.22 CFS

Rate: 0.71 CUBIC FOOT PER SECOND (CFS)

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 a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: CROOKED RIVER, tributary to DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
17 S	21 E	WM	4	SE SE

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	NE SE	1.2
17 S	21 E	WM	4	SE SE	28.4
17 S	21 E	WM	9	NE NE	11.6
17 S	21 E	WM	9	NW NE	5.4
Total					46.6

44. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 84305 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	4	SE SE	10 FEET NORTH AND 500 FEET WEST FROM THE SE CORNER OF SECTION 4

45. Transfer Application T-12404 proposes to move the authorized point of diversion approximately 0.6 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	9	NE NW	820 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 9

46. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NE	1.9
17 S	21 E	WM	10	NE NW	2.7
17 S	21 E	WM	10	NW NW	25.7
17 S	21 E	WM	10	SW NW	12.1
17 S	21 E	WM	10	SE NW	4.2
Total					46.6

47. The twelfth right to be transferred is as follows:

Certificate: 84192 in the name of LES SCHWAB WAREHOUSE, INC. (perfected under Permit S-26748)

Use: IRRIGATION of 17.8 ACRES and SUPPLEMENTAL IRRIGATION of 11.5 ACRES

Priority Date: APRIL 29, 1960 for 0.31 CFS and MAY 24, 1960 for 0.14 CFS

Rate: 0.45 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 a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, tributary of the DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	4	SE SE	60 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	4	SW SE	9.8
17 S	21 E	WM	4	SE SE	8.0
Total					17.8

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NW NE	3.0
17 S	21 E	WM	9	NE NW	7.8
17 S	21 E	WM	9	NW NW	0.7
Total					11.5

48. Transfer Application T-12404 proposes to move the authorized point of diversion downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POD in miles (mi.)
17 S	21 E	WM	9	NE NE	DIVERSION 3A - 880 FEET SOUTH AND 630 FEET WEST FROM THE NE CORNER OF SECTION 9	0.2 mi.
17 S	21 E	WM	9	NE NW	DIVERSION 2A - 820 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 9	0.6 mi.

49. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NE	11.6
17 S	21 E	WM	9	SE NE	6.2
Total					17.8

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	3	SW SW	1.2
17 S	21 E	WM	4	SE SE	10.3
Total					11.5

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

Certificate: 89147 in the name of WAIBEL RANCHES LLC (perfected under Permit S-26104)

Use: IRRIGATION of 82.6 ACRES

Priority Date: APRIL 6, 1959

Rate: 0.85 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-FORTIETH 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 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: CROOKED RIVER, tributary to DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	4	SE SE	30 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 4

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	NW NE	7.2
17 S	21 E	WM	10	SW NE	21.4
17 S	21 E	WM	10	NE NW	26.1
17 S	21 E	WM	10	NW NW	5.9
17 S	21 E	WM	10	SE NW	22.0
Total					82.6

51. Transfer Application T-12404 proposes to move the authorized point of diversion upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POD in miles (mi.)
17 S	21 E	WM	9	NE NE	DIVERSION 3A - 880 FEET SOUTH AND 630 FEET WEST FROM THE NE CORNER OF SECTION 9	0.2
17 S	21 E	WM	9	NE NW	DIVERSION 2A - 820 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 9	0.6

52. Transfer Application T-12404 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	NE NE	2.2
17 S	21 E	WM	10	NW NE	9.6
17 S	21 E	WM	10	SW NE	26.0
17 S	21 E	WM	10	SE NE	10.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	NE NW	15.4
17 S	21 E	WM	10	SE NW	12.9
17 S	21 E	WM	10	NE SE	2.3
17 S	21 E	WM	10	SE SE	4.2
Total					82.6

53. The fourteenth right to be transferred is as follows:

Certificate: 37548 in the name of MAINLINE RANCH, INC. (perfected under Permit S-31340)

Use: IRRIGATION of 47.2 ACRES

Priority Date: JUNE 21, 1966

Rate: 1.0 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-FORTIETH 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 4 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-4760.

Source: SARVIS CREEK AND RESERVOIR CONSTRUCTED UNDER APPLICATION NO. R-42374, PERMIT NO. R-4760, a tributary of CROOKED RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	-21 E	WM	9	NE SW	2730 FEET SOUTH AND 3670 FEET WEST FROM THE NE CORNER OF SECTION 9

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	SW NE	22.9
17 S	21 E	WM	9	SE NE	6.9
17 S	21 E	WM	9	SE NW	12.1
17 S	21 E	WM	9	NE SW	3.2
17 S	21 E	WM	9	NW SE	2.1
Total					47.2

54. Transfer Application T-12404 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	SW NE	20.3
17 S	21 E	WM	9	SE NW	8.7
17 S	21 E	WM	9	NE SW	0.5
17 S	21 E	WM	9	NW SE	4.0
17 S	21 E	WM	10	SW NE	5.5
17 S	21 E	WM	10	SE NW	3.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	NE SW	5.2
Total					47.2

55. The fifteenth right to be transferred is as follows:

Certificate: 89146 in the name of WAIBEL RANCHES LLC (confirmed by Crooked River (F))
Use: IRRIGATION of 31.0 ACRES, DOMESTIC AND STOCK USE
Priority Date: 1885
Rate: 0.390 CUBIC FOOT PER SECOND, AND A REASONABLE AMOUNT FOR DOMESTIC AND STOCK MEASURED AT THE POINT OF DIVERSION FROM THE SOURCE
Period of Use: FEBRUARY 1 through DECEMBER 1
Source: MOWRY CREEK (MAURY CREEK), a tributary to the CROOKED RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	10	NE SW	30 FEET SOUTH AND 1450 FEET EAST FROM THE W1/4 CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION, DOMESTIC, AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SW NE	7.2
17 S	21 E	WM	10	SE NW	1.1
17 S	21 E	WM	10	NE SW	3.8
17 S	21 E	WM	10	NW SE	18.9
Total					31.0

56. Transfer Application T-12404 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC, AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SW NE	0.8
17 S	21 E	WM	10	NW SE	30.2
Total					31.0

57. The sixteenth right to be transferred is as follows:

Certificate: 89148 in the name of WAIBEL RANCHES LLC (perfected under Permit S-32025)
Use: IRRIGATION of 68.5 ACRES
Priority Date: SEPTEMBER 26, 1966, FOR STORAGE AND NOVEMBER 2, 1966 FOR MAURY CREEK
Rate: 1.71 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 a diversion of ONE-FORTIETH 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 4.0 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 R-4871.

Source: MAURY CREEK, tributary to CROOKED RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	10	NE SW	MAURY CREEK - 30 FEET SOUTH AND 1450 FEET EAST FROM THE W1/4 CORNER OF SECTION 10
17 S	21 E	WM	10	SW SW	MAINLINE RESERVOIR - 1890 FEET SOUTH AND 100 FEET EAST FROM THE W1/4 CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SW NE	7.8
17 S	21 E	WM	10	SE NE	0.6
17 S	21 E	WM	10	SE NW	1.1
17 S	21 E	WM	10	NE SW	3.8
17 S	21 E	WM	10	NE SE	27.6
17 S	21 E	WM	10	NW SE	27.6
Total					68.5

58. Transfer Application T-12404 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SW NE	1.0
17 S	21 E	WM	10	SE NE	1.0
17 S	21 E	WM	10	SW NE	0.8
17 S	21 E	WM	10	NE SE	3.5
17 S	21 E	WM	10	NW SE	30.2
17 S	21 E	WM	10	SW SE	0.6
17 S	21 E	WM	10	SE SE	0.4
Total					37.5

SUPPLEMENTAL IRRIGATION (partially diminished)					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SW NE	0.8
17 S	21 E	WM	10	NW SE	30.2
Total					31.0

59. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

- 60. 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.
- 61. 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-12404.
- 62. The proposed changes would not result in enlargement of the rights. The District 11 Watermaster identified the former place of use under Certificate 75947 would continue to be irrigated once the transfer is completed. The applicant has agreed to additional conditions to prevent enlargement of the right.
- 63. The proposed changes would not result in injury to other water rights.
- 64. All other application requirements are met.

Partial Diminution of a Water Right

- 65. On March 4, 2019, the applicant submitted an Affidavit for the Voluntary Partial Diminution of a Water Right Certificate. The portion of the water right to be diminished is as follows:

Certificate: 89148 in the name of WAIBEL RANCHES LLC (perfected under Permit S-32025)
Use: Irrigation of 31.0 acres
Priority Date: September 26, 1966
Rate: 0.78 cubic foot per second
Source: MAURY CREEK, tributary to CROOKED RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	10	NE SW	MAURY CREEK - 30 FEET SOUTH AND 1450 FEET EAST FROM THE W1/4 CORNER OF SECTION 10
17 S	21 E	WM	10	SW SW	MAINLINE RESERVOIR 1 - 1890 FEET SOUTH AND 100 FEET EAST FROM THE W1/4 CORNER OF SECTION 10

Authorized Place of Use to be Diminished:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	10	SW NE	0.8
17 S	21 E	WM	10	NW SE	30.2
Total					31.0

Partial Cancellation of a Water Right

66. On June 6, 2016, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Brad Waibel. The right to be cancelled is as follows:

Certificate: 667 in the name of T J STEWART (confirmed by Crooked River decree)
Use: IRRIGATION of 18.2 ACRES of LAND, AND STOCK AND DOMESTIC USE
Priority Date: 1900
Rate: 0.23 CUBIC FOOT PER SECOND
Source: NORTH FORK of CROOKED RIVER, a tributary of DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
NONE IDENTIFIED				

Authorized Place of Use to be Cancelled:

IRRIGATION, STOCK AND DOMESTIC USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NE NE	6.0
17 S	21 E	WM	8	NW NE	10.2
17 S	21 E	WM	8	NE NW	2.0
Total					18.2

67. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 667 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	5	NW NE	10 FEET SOUTH AND 2900 FEET EAST FROM THE NW CORNER OF SECTION 5

68. On June 6, 2016, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Brad Waibel. The right to be cancelled is as follows:

Certificate: 89147 in the name of WAIBEL RANCHES LLC (perfected under Permit S-26104)
Use: IRRIGATION of 62.0 ACRES
Priority Date: APRIL 6, 1959
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-FORTIETH 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 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: CROOKED RIVER, tributary to DESCHUTES RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	21 E	WM	4	SE SE	30 FEET NORTH AND 600 FEET WEST FROM THE SE CORNER OF SECTION 4

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	9	NE NE	18.0
17 S	21 E	WM	9	SE NE	9.3
17 S	21 E	WM	10	NW NW	18.6
17 S	21 E	WM	10	SW NW	16.1
Total					62.0

69. On November 16, 2018, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Charles B. Waibel and Julie C. Waibel. The right to be cancelled is as follows:

Certificate: 52520 in the name of LES SCHWAB TIRE CENTERS, INC., dba L. S. RANCH (perfected under Permit S-21721)

Use: SUPPLEMENTAL IRRIGATION of 8.0 ACRES

Priority Date: APRIL 5, 1950

Rate: 0.10 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-FORTIETH 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 4 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permits R-1422 and R-1423.

Source: STEWART CREEK and 2 RESERVOIRS CONSTRUCTED UNDER PERMITS R-1422 AND R-1423, a tributary of CROOKED RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
17 S	21 E	WM	8	SE NW
17 S	21 E	WM	8	SW NE
17 S	21 E	WM	8	NE SW
17 S	21 E	WM	19	NE NE

Authorized Place of Use to be Cancelled:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	21 E	WM	8	NW NE	5.6
17 S	21 E	WM	8	NE NW	2.4
Total					8.0

Determination and Proposed Action

The changes in points of diversion, and changes in places of use proposed in Transfer Application T-12404 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned rights should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned rights will be cancelled.

If Transfer Application T-12404 is approved, the final order will include the following:

- 1. The changes in points of diversion, and changes in places of use proposed in Transfer Application T-12404 are approved. The portions of the rights that have been abandoned are cancelled.*
- 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 667, 34225, 37548, 52351, 52354, 52520, 55659, 75947, 84191, 84192, 84304, 84305, 89146, 89147, 89148, and 89610, and any related decree.*
- 3. Water right Certificates 667, 34225, 37548, 52351, 52354, 52520, 55659, 75947, 84191, 84192, 84304, 84305, 89146, 89147, 89148, and 89610 are cancelled. New certificates will be issued describing that portion of Certificates 75947, 89610, 55659, and 52520 not affected by this transfer and cancellation of Certificate 52520.*
- 4. The quantity of water diverted at the new points of diversion (Diversion 1, Diversion 2A, Diversion 3A, and Sarvis Reservoir), shall not exceed the quantity of water lawfully available at the original points of diversion (Diversion 1, 2, 3, and 4, North Fork Crooked River, Crooked River, Sarvis Creek, and Mainline Reservoir #3).*
- 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 new point of diversion.*
 - 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. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish*

screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

7. *The former places of use of the transferred rights shall no longer receive water under the rights.*
8. *In order to prevent enlargement under Certificate 75947, the applicant will plow a ditch along the cut off line to force the water to the North Fork Crooked River.*
9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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.*
10. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Issued at Salem, Oregon this AUG 26 2019 ,



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

This revised Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@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>