



# Oregon

Kate Brown, Governor

**Water Resources Department**

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September 06, 2019

CALEDONIA PROPERTIES LLC  
JOHN VENABLE AND PETE A. NEVIN  
17017 HWY 140 E  
DAIRY, OR 97625

SUBJECT: Water Right Transfer Application T-11841

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11841. 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 Klamath Falls Herald and News 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 [corey.a.courchane@oregon.gov](mailto: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-11841  
Danette M. Watson, District 17 Watermaster (*via e-mail*)  
Adkins Consulting Engineering, LLP, 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-11841, Klamath County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINTS OF
	)	APPROPRIATION AND PLACES 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**

CALEDONIA PROPERTIES LLC  
JOHN VENABLE AND PETE A. NEVIN  
17017 HWY 140 E  
DAIRY, OR 97625

**Findings of Fact**

1. On June 16, 2014, CALEDONIA PROPERTIES LLC, JOHN VENABLE AND PETE A. NEVIN filed an application to change the points of appropriation (POA) and to change the places of use (POU) under Certificates 50381, 50382, 86866, 87741, and 87745. The Department assigned the application number T-11841.
2. Notice of the application for transfer was published on June 24, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 20, 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 October 17, 2018.
4. On October 16, 2018, the applicant's agent notified the Department they were working through the deficiencies.
5. On October 19, 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 November 19, 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.

6. On November 28, 2018, the applicant's agent submitted revised maps and tables for Certificates 50381, 86866, and 87741.
7. On December 6, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the revisions. The Department requested that the deficiencies be resolved by January 18, 2019.
8. On January 17, 2019, the applicant's agent contacted the Department requesting additional time to submit the requested deficiencies in the revisions. The Department requested that the deficiencies be resolved by February 1, 2019.
9. On February 1, 2019, the applicant's agent contacted the Department requesting additional time to submit the requested deficiencies in the revisions. The Department granted a final deadline of February 22, 2019 for the deficiencies to be resolved.
10. On February 7, 2019, the applicant's agent submitted revised maps and tables for Certificates 50381, 86866, and 87741.
11. On February 19, 2019, the applicant submitted an Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate.
12. On May 15, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11841 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 14, 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.
13. The portion of the first right to be transferred is as follows:
  - Certificate:** 50381 in the name of NEVIN CATTLE COMPANY (perfected under Permit U-343)
  - Use:** IRRIGATION of 57.4 ACRES
  - Priority Date:** JULY 19, 1949
  - Rate:** 0.72 CUBIC FOOT PER SECOND, BEING 0.39 CFS FROM LISKEY WELL, 0.23 CFS FROM MITCHELL WELL, AND 0.10 CFS FROM SWAN LAKE JUNCTION WELL
  - 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:** FIVE WELLS, a tributary of ANDERSON CREEK (SWAN LAKE)

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	10 E	WM	13	NW NW		LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13
38 S	10 E	WM	23	SE NE		SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24, T38S, R10E, WM

**Authorized Place of Use:**

IRRIGATION - LISKEY WELL							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
38 S	10 E	WM	12	SE SE		1.5	POU/POA
38 S	10 E	WM	13	NE NW		1.4	POU/POA
38 S	10 E	WM	13	SW NW		2.8	POA
38 S	10 E	WM	13	NW SW		5.4	POA
38 S	10 E	WM	14	NE NE		1.3	POA
38 S	10 E	WM	14	SE NE		17.1	POA
38 S	10 E	WM	14	SE SE		1.7	POU/POA
Total						31.2	

IRRIGATION - MITCHELL WELL							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
38 S	10 E	WM	24	NE SW		1.2	POU/POA
38 S	10 E	WM	24	NE SE		1.1	POU
38 S	10 E	WM	24	NE SE		0.6	POU/POA
38 S	10 E	WM	24	NW SE		1.3	POU
38 S	10 E	WM	24	SE SE		0.9	POU
38 S	10 E	WM	24	SE SE		1.6	POU/POA
38 S	11.5 E	WM	31	NW NE		1.2	POU/POA
38 S	11.5 E	WM	31	NE NW		4.9	POU/POA
38 S	11.5 E	WM	31	NE NW		3.2	POU
38 S	11.5 E	WM	31	NW NW	1	2.6	POU/POA
Total						18.6	

IRRIGATION - SWAN LAKE JUNCTION WELL							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
38 S	10 E	WM	14	SE NE		6.1	POA
38 S	10 E	WM	23	SE NE		1.1	POU/POA
38 S	10 E	WM	23	NE SE		0.4	POU/POA
Total						7.6	

14. Transfer Application T-11841 proposes the following changes for **LISKEY WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.33 cfs from Liskey Well, to:

IRRIGATION – POA ONLY						
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances
38 S	10 E	WM	23	SE NE	26.6	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	23	NW SE	1.5	SWAN LAKE JUNCTION WELL	0.02
38 S	10 E	WM	24	SW NE	1.4	MITCHELL WELL	0.04
38 S	10 E	WM	24	SE NW	1.7	MITCHELL WELL	
					Total	4.6	

Approximate distance from Liskey Well measured in miles (mi.)	
SWAN LAKE JUNCTION WELL	1.3 mi.
MITCHELL WELL	1.9 mi.

15. Transfer Application T-11841 proposes the following changes for **MITCHELL WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation from Mitchell Well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the original point of appropriation measured in miles (mi.)
38 S	10 E	WM	13	NW NW	LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13	1.9 mi.
38 S	10 E	WM	23	SE NE	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23	1.3 mi.
38 S	10 E	WM	24	SW NW	DEER RIDGE WELL – 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24	1.0 mi.

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	12	SW SE	0.7	LISKEY WELL	0.008

IRRIGATION - POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	14	SW NE	0.6	SWAN LAKE JUNCTION WELL	0.078
38 S	10 E	WM	23	NE NE	0.6		
38 S	10 E	WM	23	NW NE	1.6		
38 S	10 E	WM	23	SW NE	1.2		
38 S	10 E	WM	23	SE SE	0.6		
38 S	10 E	WM	24	SE NW	0.7		
38 S	10 E	WM	26	NE NE	0.9		
					Total		

IRRIGATION - POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	24	SE NW	3.4	DEER RIDGE WELL	0.065
38 S	10 E	WM	24	SW NW	1.8		
					Total		

IRRIGATION - POU ONLY						
Twp	Rng	Mer	Sec	Q-Q	Acres	
38 S	10 E	WM	24	SE NW	3.2	
38 S	10 E	WM	24	SW SE	3.3	
					Total	6.5

16. Transfer Application T-11841 proposes the following changes for **SWAN LAKE JUNCTION WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.08 cfs from Swan Lake Junction Well, to:

IRRIGATION - POA ONLY						
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances
38 S	10 E	WM	24	SW NW	6.1	DEER RIDGE WELL - 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION - POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	24	SE NW	1.1	MITCHELL WELL	0.02
38 S	10 E	WM	24	SW NW	0.4		
					Total		

Approximate distance from Swan Lake Junction Well measured in miles (mi.)	
DEER RIDGE WELL	0.3 mi.
MITCHELL WELL	1.3 mi.

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

**Certificate:** 50382 in the name of NEVIN CATTLE COMPANY (perfected under Permit G-4400)  
**Use:** IRRIGATION of 6.5 ACRES  
**Priority Date:** NOVEMBER 6, 1968  
**Rate:** 0.08 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:** MITCHELL WELL a tributary of ANDERSON CREEK (SWAN LAKE)

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	11.5 E	WM	30	NW SW	3	780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24, T38S, R10E, WM

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	24	SW NE	2.3	POA
38 S	10 E	WM	24	SE SW	4.2	POU
Total					6.5	

18. Transfer Application T-11841 proposes the following changes for MITCHELL WELL:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.03 cfs from Mitchell Well to:

IRRIGATION -- POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	24	SW NW	2.3	DEER RIDGE WELL - 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24	1.0 mi.

19. Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION -- MITCHELL WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	cfs
38 S	10 E	WM	24	NW SW	1.0	0.05
38 S	10 E	WM	24	SW SE	3.2	
Total					4.2	

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

**Certificate:** 86866 in the name of NEVIN CATTLE CO. (perfected under Permit U-343)

**Use:** IRRIGATION of 152.0 ACRES

**Priority Date:** JULY 19, 1949

**Rate:** 1.90 CUBIC FEET PER SECOND, BEING 0.84 CFS FROM DEER RIDGE WELL, 0.91 CFS FROM LISKEY WELL, AND 0.15 CFS FROM SWAN LAKE JUNCTION WELL, if available at the old wells (HAMAKER WELL, LISKEY WELL, MITCHELL WELL, AND SWAN LAKE JUNCTION WELL)

**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-EIGHTIETH 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A DEER RIDGE WELL, LISKEY WELL, AND SWAN LAKE JUNCTION WELL, tributaries of SWAN LAKE

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	10 E	WM	13	NW NW	LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13
38 S	10 E	WM	23	SE NE	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23
38 S	10 E	WM	24	SW NW	DEER RIDGE WELL - 2650 FEET NORTH AND 180 FEET EAST FROM THE SW CORNER OF SECTION 24

**Authorized Place of Use:**

IRRIGATION FROM DEER RIDGE WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	11	NE SE	14.2	POA
38 S	10 E	WM	11	NW SE	36.2	POA
38 S	10 E	WM	11	SW SE	4.8	POA
38 S	10 E	WM	13	NW SW	5.0	POA
38 S	10 E	WM	13	SW SW	0.4	POU/POA
38 S	10 E	WM	14	SE SE	1.7	POA
38 S	10 E	WM	24	NE NW	1.8	POU
38 S	10 E	WM	24	NW NW	0.7	POU
38 S	10 E	WM	24	SE NW	2.5	POA
Total					67.3	

IRRIGATION FROM LISKEY WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	11	SE SE	24.8	POA
38 S	10 E	WM	13	NW NE	1.3	POU/POA
38 S	10 E	WM	13	NW NW	1.3	POU/POA
38 S	10 E	WM	13	SW NW	4.0	POU/POA



IRRIGATION FROM LISKEY WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	13	NW SW	8.4	POA
38 S	10 E	WM	14	NE NE	22.3	POA
38 S	10 E	WM	14	NE NE	0.5	POU/POA
38 S	10 E	WM	14	SE NE	7.1	POA
38 S	10 E	WM	14	SE NE	3.2	POU/POA
Total					72.9	

IRRIGATION FROM SWAN LAKE JUNCTION WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	14	NE SE	9.9	POU
38 S	10 E	WM	14	NW SE	1.9	POU
Total					11.8	

21. There is an apparent scrivener's error in the description of the authorized point of appropriation for Deer Ridge Well under Certificate 86866. The point of appropriation location coordinates listed in the certificate (2650 feet North and 180 feet East from the SW corner of Section 24, SW ¼ NW ¼ Sec. 24, T38S, R10E, WM) are in error. Based on the accompanying transfer map and final proof survey for Certificate 87741, the location coordinates of Deer Ridge Well should be as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	10 E	WM	24	SW NW	2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24

22. Transfer Application T-11841 proposes the following changes for **DEER RIDGE WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	23	SE NE		SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23	0.3 mi.
38 S	11.5 E	WM	13	NW NW		LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13	1.3 mi.
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24, R10E	1.0 mi.

IRRIGATION – POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	11	NE SE	14.2	LISKEY WELL	0.18
38 S	10 E	WM	24	SE NW	2.5	MITCHELL WELL	0.03
38 S	10 E	WM	11	NW SE	36.2	SWAN LAKE JUNCTION WELL	0.596
38 S	10 E	WM	11	SW SE	4.8	SWAN LAKE JUNCTION WELL	
38 S	10 E	WM	13	NW SW	5.0	SWAN LAKE JUNCTION WELL	
38 S	10 E	WM	14	SE SE	1.7	SWAN LAKE JUNCTION WELL	
					Total	64.4	

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION FROM DEER RIDGE WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	cfs
38 S	10 E	WM	14	SE SE	0.7	0.03
38 S	10 E	WM	24	SW NW	1.8	
					Total	2.5

IRRIGATION - POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	23	SE SE	0.4	SWAN LAKE JUNCTION WELL	0.005

23. Transfer Application T-11841 proposes the following changes for **LISKEY WELL**:-

Transfer Application T-11841 proposes to move the authorized point of appropriation to:

IRRIGATION – POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	11	SE SE	24.8	SWAN LAKE JUNCTION WELL	0.78
38 S	10 E	WM	13	NW SW	8.4		
38 S	10 E	WM	14	NE NE	22.3		
38 S	10 E	WM	14	SE NE	7.1		
					Total	62.6	

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	14	SE SE	3.2	DEER RIDGE WELL	0.04

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	14	SE SE	1.8	SWAN LAKE JUNCTION WELL	0.09
38 S	10 E	WM	23	SE SE	5.3		
					Total	7.1	

24. Transfer Application T-11841 proposes the following changes for **SWAN LAKE JUNCTION WELL**:

Transfer Application T-11841 proposes to change the place of use of the right to:

IRRIGATION – POU ONLY					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	10 E	WM	14	SE SE	11.8

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

**Certificate:** 87741 in the name of NEVIN CATTLE CO. (perfected under Permit G-10129)

**Use:** IRRIGATION of 25.2 ACRES

**Priority Date:** AUGUST 31, 1982

**Rate:** 0.28 CUBIC FOOT PER SECOND, BEING 0.25 CFS FROM DEER RIDGE WELL, AND 0.03 CFS FROM MITCHELL WELL

**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-EIGHTIETH 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** DEER RIDGE WELL AND MITCHELL WELL, in the KLAMATH BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	10 E	WM	24	SW NW		DEER RIDGE WELL - 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24, R10E

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Well	Type of Change
38 S	10 E	WM	14	SE SE	4.8	DEER RIDGE	POA
38 S	10 E	WM	23	NE NE	0.5	DEER RIDGE	POU
38 S	10 E	WM	23	NE NE	14.5	DEER RIDGE	POA
38 S	10 E	WM	24	NW NW	2.4	DEER RIDGE	POA
38 S	10 E	WM	24	NW SW	0.5	MITCHELL	POU/POA
38 S	10 E	WM	24	SW SW	2.5	MITCHELL	POU/POA
					Total	25.2	

26. Transfer Application T-11841 proposes the following changes for **DEER RIDGE WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.24 cfs from Deer Ridge Well, to:

IRRIGATION – POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	23	SE NE	21.7	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23	0.3 mi.

Transfer Application T-11841 proposes to change the place of use of the right, to:

IRRIGATION – POU ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Well	cfs
38 S	10 E	WM	24	SW NW	0.5	DEER RIDGE WELL	0.01

Transfer Application T-11841 proposes the following changes for **MITCHELL WELL**:

Transfer Application T-11841 proposes to change the place of use of the right to:

IRRIGATION – POA and POU								
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	24	SE NW	2.5	DEER RIDGE WELL	0.03	1.0 mi.
38 S	10 E	WM	24	NW SW	0.5			
					Total	3.0		

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

- Certificate:** 87745 in the name of NEVIN CATTLE CO. (perfected under Permit G-4400)
- Use:** IRRIGATION of 11.4 ACRES
- Priority Date:** NOVEMBER 6, 1968
- Rate:** 0.14 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-EIGHTIETH 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.
- Source:** MITCHELL WELL, tributary to ANDERSON CREEK (SWAN LAKE)

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	10 E	WM	24	SE SW	3.3
38 S	10 E	WM	25	NE NW	5.1
38 S	10 E	WM	25	SE NW	3.0
Total					11.4

28. Transfer Application T-11841 proposes to move the authorized point of appropriation approximately 1.3 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	10 E	WM	23	SE NE	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23

29. Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	10 E	WM	23	SE SE	3.5
38 S	10 E	WM	26	NE NE	7.9
Total					11.4

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

30. 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.
31. 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-11841.
32. The proposed change would not result in enlargement of the rights.
33. The proposed change would not result in injury to other water rights.
34. All other application requirements are met.

*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>

**Partial Cancellation of a Water Right**

35. On February 19, 2019, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from John Venable. The right to be cancelled is as follows:

**Certificate:** 86801 in the name of JESPERSON-EDGEWOOD, INC. (perfected under Permit U-343)  
**Use:** SUPPLEMENTAL IRRIGATION of 1.1 ACRES  
**Priority Date:** JULY 19, 1949  
**Rate:** 0.01 CUBIC FOOT PER SECOND  
**Source:** HAMAKER WELL, tributary to ANDERSON CREEK (SWAN LAKE)

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	11.5 E	WM	7	SE SE	1530 FEET NORTH AND 3830 FEET EAST FROM THE E1/4 CORNER OF SECTION 12, T 38 S, R 10 E

**Authorized Place of Use to be Cancelled:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	10 E	WM	12	SE SE	1.1

**Determination and Proposed Action**

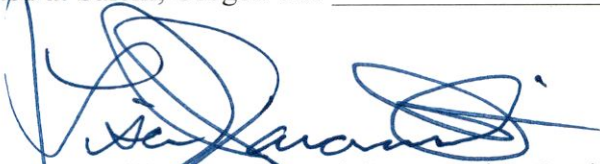
The changes in points of appropriation and changes in places of use proposed in Transfer Application T-11841 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned right will be cancelled.

*If Transfer Application T-11841 is approved, the final order will include the following:*

- 1. The changes in points of appropriation and changes in places of use proposed in Transfer Application T-11841 are approved. The portion of the right that has been abandoned is 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 50381, 50382, 86866, 87741, and 87745 and any related decree.*
- 3. Water right Certificates 50381, 50382, 86801, 86866, 87741, and 87745 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer and cancellation.*

4. *The quantity of water diverted at the new points of appropriation (Mitchell Well, Swan Lake Junction Well, Deer Ridge Well, and Liskey Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Mitchell Well, Swan Lake Junction Well, Deer Ridge Well, and Liskey Well).*
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 places of use of the transferred rights shall no longer receive water under the rights.*
8. *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.*
9. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Issued at Salem, Oregon this SEP 06 2019,



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

This 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](mailto:corey.a.courchane@oregon.gov)