



**Oregon**  
Kate Brown, Governor

**Water Resources Department**

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Salem, OR 97301

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October 01, 2019

MAYFIELD FARMS LLC  
C/O CHUCK EGGERT  
18555 SW TETON AVE  
TUALATIN, OR 97062

SUBJECT: Water Right Transfer Application T-13194

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13194. 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 Albany Democrat-Herald newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at if I may be of assistance.

Kindest regards,

Transfer Caseworker  
Transfer and Conservation Section

cc: T-13194 file  
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)  
Doann Hamilton, 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-13194, Linn County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND 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**

MAYFIELD FARMS LLC  
C/O CHUCK EGGERT  
18555 SW TETON AVE  
TUALATIN, OR 97062

**Findings of Fact**

1. On May 31, 2019, MAYFIELD FARMS LLC C/O CHUCK EGGERT, filed an application to change the point of appropriation and for additional points of appropriation under Certificate 37850. The Department assigned the application number T-13194.
2. Notice of the application for transfer was published on June 11, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The applicant and agent discovered a scrivener's error in Certificate 37850, which was identified in Table 1 of the application. The measured distance of the authorized point of appropriation (POA) was incorrectly described as: "2550 feet south and 1440 feet west of the NW corner, DLC 70." The change in POA in the application reflects the correct description measured distance of the authorized POA.
4. On August 1, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13194 to the applicant. The draft Preliminary

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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Determination cover letter set forth a deadline of August 31, 2019, for the applicant to respond.

5. On August 8, the agent informed the Department of a scrivener's error on the draft Preliminary Determination, regarding the measured distances for Well 1.
6. On August 14, 2019, 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.
7. The right to be transferred is as follows:

**Certificate:** 37850 in the name of GEORGE L. and DORIS J. ROHNER (perfected under Permit G-4136)  
**Use:** IRRIGATION of 42.0 ACRES  
**Priority Date:** MAY 15, 1968  
**Rate:** 0.53 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.  
**Source:** A WELL, tributary of CROOKS CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	3 W	WM	18	SW NE	70	1150 FEET WEST AND 2550 FEET SOUTH FROM THE NW CORNER OF DLC 70

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
10 S	3 W	WM	18	SW NE	70	19.2
10 S	3 W	WM	18	SE NE	70	22.8
TOTAL						42.0

8. Transfer Application T-13194 proposes to change the point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from authorized point of appropriation in miles (mi.)
10 S	3 W	WM	18	SW NE	70	WELL 1 - 2550 FEET SOUTH AND 1440 FEET WEST FROM THE NE CORNER OF SECTION 18	1.02 mi.

9. Transfer Application T-13194 also proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance from authorized point of appropriation in miles (mi.)
10 S	3 W	WM	18	NW NE	70	WELL 5 - 1320 FEET SOUTH AND 2420 FEET WEST FROM THE NE CORNER OF SECTION 18	0.85 mi.
10 S	3 W	WM	18	SW NE	70	WELL 2 - 2345 FEET SOUTH AND 1530 FEET WEST FROM THE NE CORNER OF SECTION 18	0.99 mi.
10 S	3 W	WM	18	NW SE	70	WELL 3 - 1980 FEET NORTH AND 2485 FEET WEST FROM THE SE CORNER OF SECTION 18	0.83 mi.
10 S	3 W	WM	18	NW SE	70	WELL 4 - 1375 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 18	1.01 mi.

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

10. Water has been used within the last five years prior to the submittal of Transfer Application T-13194 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.
11. 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-13194.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.
14. All other application requirements are met.

**Determination and Proposed Action**

The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-13194 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-13194 is approved, the final order will include the following:

1. The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-13194 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 37850 and any related decree.
3. Water right Certificate 37850 is cancelled.
4. The quantity of water diverted at the new point of appropriation (New Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
5. The quantity of water diverted at additional points of appropriation (Well 2, Well 3, Well 4, and Well 5), together with the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. 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.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on OCT 01 2019



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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@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.