

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

In the Matter of Transfer Application)
T-13048, Harney County)
)
) **PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF
) ADDITIONAL POINTS OF
) APPROPRIATION.**

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CRANE UNION HIGH SCHOOL
BOX 828
CRANE, OR 97732

Findings of Fact

1. On October 24, 2018, CRANE UNION HIGH SCHOOL filed an application for additional points of appropriation under Certificates 31701 and 85800. The Department assigned the application number T-13048.
2. Notice of the application for transfer was published on October 30, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 12, 2019 the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13048 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 12, 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. The first right to be transferred is as follows:

Certificate: 31701 in the name of CRANE UNION HIGH SCHOOL NO. 1 (perfected under Permit G-1623)

Use: IRRIGATION of 4.7 ACRES

Priority Date: JUNE 27, 1960

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.

Rate: 0.06 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 and shall conform to such reasonable system as may be ordered by the proper state officer.

Source: WELL NO. 1 a tributary of MALHEUR LAKE

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	34 E	WM	7	SW NE	13.5 CHAINS NORTH AND 33.5 CHAINS WEST FROM THE EAST 1/4 CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	34 E	WM	7	NW NE	1.3
25 S	34 E	WM	7	SW NE	3.4
Total					4.7

5. Transfer Application T-13048 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the original point of appropriation in feet (ft.)
25 S	34 E	WM	7	NW NE	WELL 4 - 1,410 FEET NORTH AND 1,600 FEET WEST OF THE EAST 1/4 CORNER OF SECTION 7	800.0 ft.
25 S	34 E	WM	7	SW NE	WELL 3 - 860 FEET NORTH AND 2,310 FEET WEST OF THE EAST 1/4 CORNER OF SECTION 7	80.0 ft.

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

Certificate: 85800 in the name of CRANE UNION HIGH SCHOOL (perfected under Permit G-12151)

Use: IRRIGATION of 9.0 ACRES

Priority Date: OCTOBER 16, 1990

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, 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL 2 in the MALHEUR LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	34 E	WM	7	SW NE	WELL 2- 908 FEET NORTH AND 2244 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	34 E	WM	7	NW NE	0.5
25 S	34 E	WM	7	SW NE	8.3
25 S	34 E	WM	7	SE NE	0.2
Total					9.0

7. Transfer Application T-13048 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the original point of appropriation in feet (ft.)
25 S	34 E	WM	7	NW NE	WELL 4 - 1,410 FEET NORTH AND 1,600 FEET WEST OF THE EAST 1/4 CORNER OF SECTION 7	800.0 ft.
25 S	34 E	WM	7	SW NE	WELL 3 - 860 FEET NORTH AND 2,310 FEET WEST OF THE EAST 1/4 CORNER OF SECTION 7	80.0 ft.

Transfer Review Criteria (OAR 690-380-4010)

8. 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.
9. 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-13048.
10. The proposed change would not result in enlargement of the right(s).
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-13048 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-13048 is approved, the final order will include the following:

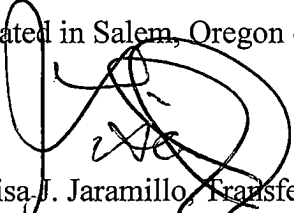

1. *The additional points of appropriation proposed in Transfer Application T-13048 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 31701, 85800 and any related decree.*
3. *Water right Certificates 31701 and 85800 are cancelled.*
4. *The quantity of water diverted at the proposed additional points of appropriation (Well 3 and Well 4), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation located:*

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	34 E	WM	7	SW NE	13.5 CHAINS NORTH AND 33.5 CHAINS WEST FROM THE EAST 1/4 CORNER OF SECTION 7
25 S	34 E	WM	7	SW NE	WELL 2- 908 FEET NORTH AND 2244 FEET WEST FROM THE E 1/4 CORNER, SECTION 7

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. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **OCT 28 2019**



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

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@oregon.gov or 503-986-0890.

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

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October ~~27~~, 2019

Applicant

CRANE UNION HIGH SCHOOL
BOX 828
CRANE, OR 97732

SUBJECT: Water Right Transfer Application T-13048

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13048. 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 contact me at scott.a.grew@oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist

cc: T-13048
J.R. Johnson, District 10 Watermaster (via e-mail)
John A. Short, Agent for the applicant (via e-mail)

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