



5. On August 28, 2019, the Department sent a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12968 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of September 27, 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.
6. The right to be transferred is as follows:

**Certificate:** 65686 in the name of CLETUS L. WOODS (perfected under Permit G-5108)  
**Use:** IRRIGATION of 20.4 ACRES  
**Priority Date:** JULY 23, 1970  
**Rate:** 0.25 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) and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL, within the LITTLE PUDDING RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	33	NW SE	POA 1 - 140 FEET NORTH AND 560 FEET EAST FROM THE SW CORNER OF NWSE OF SECTION 33

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	33	NW NE	0.2
6 S	2 W	WM	33	SW NE	13.1
6 S	2 W	WM	33	NW SE	7.1
Total					20.4

7. Transfer Application T-12968 proposes to add a point of appropriation approximately 0.5 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	33	SW NE	POA 2 - 1250 FEET NORTH AND 1750 FEET WEST FROM THE E 1/4 CORNER OF SECTION 33

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

8. Water has been used within the last five years prior to the submittal of Transfer Application T-12968 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.

9. A pump, pipeline, and delivery 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-12968.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

### **Determination and Proposed Action**

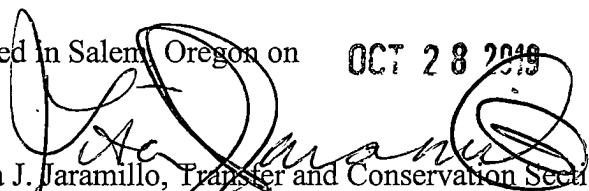
The additional point of appropriation proposed in Transfer Application T-12968 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12968 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-12968 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 65686 and any related decree.*
3. *Water right Certificate 65686 is cancelled. . A new certificate will be issued describing that portion of the right not affected by this transfer*
4. *The quantity of water diverted at the new point of appropriation (POA 2) together with that diverted at the original point of appropriation (POA 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
5. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*

7. *After satisfactory proof of beneficial use is received, a new certificate confirming the right 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 Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at 503-986-0890 or [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov)

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

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



# Oregon

Kate Brown, Governor

**Water Resources Department**

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October 28, 2019

## **Applicant**

ROGER KUENZI  
LEON KUENZI  
PO BOX 9026  
SALEM, OR 97305

**SUBJECT:** Water Right Transfer Application T-12968

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12968. 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 Keizertimes 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 contact me at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: T-12968  
Joel M. Plahn, District 16 Watermaster (*via e-mail*)  
William E. McGill, Agent for the applicant (*via e-mail*)

encs