



5. The right to be transferred is as follows:

**Certificate:** 93773 in the name of BENTON ETHAN DEMAREE, MORGAN PARKER DEMAREE and AMERICAN AG CREDIT (perfected under Permit G-15739)  
**Use:** IRRIGATION USE ON 134.87 ACRES  
**Priority Date:** NOVEMBER 24, 2003  
**Rate:** 1.1 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31  
**Source:** A WELL IN SPRAGUE RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
36 S	10 E	WM	3	NW NE	2	990 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 3

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
35 S	10 E	WM	34	NE SE		11.60
35 S	10 E	WM	34	NW SE		5.00
35 S	10 E	WM	34	SW SE		40.00
35 S	10 E	WM	34	SE SE		40.00
36 S	10 E	WM	3	NW NE	2	38.27
Total						134.87

6. Transfer Application T-13039 proposes an additional point of appropriation approximately 0.5 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
35 S	10 E	WM	34	NW SE	Latitude 42.4909600, Longitude -121.5132400

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

7. Water has been used within the last five years prior to the submittal of transfer application 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.
8. 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-13039.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

11. All other application requirements are met.

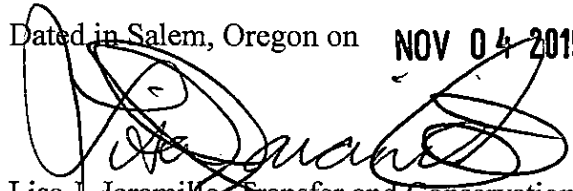
### **Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13039 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-13039 is approved, the final order will include the following:*

- 12. The additional point of appropriation proposed in Transfer Application T-13039 is approved.*
- 13. 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 93773 and any related decree.*
- 14. Water right Certificate 93773 is cancelled.*
- 15. The quantity of water diverted at the additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).*
- 16. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 17. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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.*
- 18. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **NOV 04 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 [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

*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**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

November 4, 2019

**Applicant**

BENTON ETHAN DEMAREE  
MORGAN PARKER DEMAREE  
PO BOX 292  
SAN LUCAS, CA 93954

SUBJECT: Water Right Transfer Application T-13039

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13039. 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 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 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-13039  
Danette M. Watson, District 17 Watermaster (via e-mail)  
Ronald S. Yockim, Agent for the applicant (via e-mail)  
Daniel B. Scalas, CWRE # (via e-mail)

encs