

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12972, Harney County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE 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**

SINGHOSE LAND AND CATTLE COMPANY, LLC  
PO BOX 55  
RILEY, OR 97758

**Findings of Fact**

1. On July 12, 2018, SINGHOSE LAND AND CATTLE COMPANY, LLC filed an application to change the point of appropriation and to change the place of use under Certificate 63600. The Department assigned the application number T-12972.
2. Notice of the application for transfer was published on July 17, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 25, 2019, the applicant's agent submitted revised tables and maps.
4. On August 14, 2019, the Department contacted the applicant's agent by written correspondence to notify the applicant's agent of deficiencies in the application. The Department requested that the deficiencies be resolved by August 21, 2019.
5. On August 20, 2019, the applicant's agent submitted revised tables, resolving the deficiencies.

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 September 12, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12972 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 11, 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.
7. On October 8, 2019, the applicant's agent requested to extend the date to complete full beneficial use of the water to October 1, 2025.
8. The portion of the right to be transferred is as follows:

**Certificate:** 63600 in the name of HOYT & SONS RANCHES (perfected under Permit G-9211)

**Use:** IRRIGATION of 50.9 ACRES

**Priority Date:** FEBRUARY 25, 1980

**Rate:** 0.6 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL in the SILVER CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	26 E	WM	10	NE SW	WELL 5 - 2178.5 FEET NORTH AND 2205.1 FEET EAST FROM THE SW CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	26 E	WM	10	SW SE	8.8
23 S	26 E	WM	10	SE SE	9.1
23 S	26 E	WM	15	NE NE	20.2
23 S	26 E	WM	15	NW NE	12.8
Total					50.9

9. Transfer Application T-12972 proposes to change the point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
23 S	26 E	WM	1	SW NE	L-125280 - 40 FEET NORTH AND 2710 FEET EAST FROM THE W1/4 CORNER OF SECTION 1	2.4 mi.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
23 S	26 E	WM	1	NW SW	L-125281 - 130 FEET SOUTH AND 400 FEET EAST FROM THE W1/4 CORNER OF SECTION 1	2.0 mi.
23 S	26 E	WM	11	SE SE	L-104459 - 1320 FEET NORTH AND 1315 FEET WEST FROM THE SE CORNER OF SECTION 11	1.3 mi.
23 S	26 E	WM	12	NE NE	L-115916 - 1320 FEET SOUTH AND 1315 FEET WEST FROM THE NE CORNER OF SECTION 12	2.4 mi.
23 S	26 E	WM	12	NW NW	L-111748 - 1320 FEET SOUTH AND 1315 FEET EAST FROM THE NW CORNER OF SECTION 12	1.9 mi.
23 S	26 E	WM	12	SW SW	L-115909 - 1320 FEET NORTH AND 1315 FEET EAST FROM THE SW CORNER OF SECTION 12	1.8 mi.
23 S	26 E	WM	12	SE SE	L-125022 - 1320 FEET NORTH AND 1315 FEET WEST FROM THE SE CORNER OF SECTION 12	2.3 mi.

10. Transfer Application T-12972 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	26 E	WM	1	SE SW	5.3
23 S	26 E	WM	1	SW SE	5.3
23 S	26 E	WM	11	NE SE	1.5
23 S	26 E	WM	11	NW SE	1.5
23 S	26 E	WM	11	SW SE	1.5
23 S	26 E	WM	11	SE SE	1.5
23 S	26 E	WM	12	NE NE	1.5
23 S	26 E	WM	12	NW NE	6.6
23 S	26 E	WM	12	SW NE	1.5
23 S	26 E	WM	12	SE NE	1.5
23 S	26 E	WM	12	NE NW	6.7
23 S	26 E	WM	12	NW NW	1.5
23 S	26 E	WM	12	SW NW	1.5
23 S	26 E	WM	12	SE NW	1.5
23 S	26 E	WM	12	NE SW	1.5
23 S	26 E	WM	12	NW SW	1.5
23 S	26 E	WM	12	SW SW	1.5
23 S	26 E	WM	12	SE SW	1.5
23 S	26 E	WM	12	NE SE	1.5
23 S	26 E	WM	12	NW SE	1.5
23 S	26 E	WM	12	SW SE	1.5
23 S	26 E	WM	12	SE SE	1.5
Total					50.9

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

11. Water has been used within the last five years 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.
12. 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-12972.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

**Determination and Proposed Action**


The change in point of appropriation and change in place of use proposed in Transfer Application T-12972 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-12972 is approved, the final order will include the following:*

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-12972 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 63600 and any related decree.*
3. *Water right Certificate 63600 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 points of appropriation (L-125280, L-125281, L-104459, L-115916, L-111748, L-115909, and L-125022), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 5).*
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 point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *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 changes and full beneficial use of the water.*
9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **NOV 19 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)

*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 19, 2019

SINGHOSE LAND AND CATTLE COMPANY, LLC  
PO BOX 55  
RILEY, OR 97758

SUBJECT: Water Right Transfer Application T-12972

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12972. 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 Burn Times 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 [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-12972  
J R. Johnson, District 10 Watermaster (via e-mail)  
John A. Short, Agent for the applicant (via e-mail)

encs