

Rate: 0.17 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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
4 S	4 W	WM	33	SW SE
5 S	4 W	WM	4	SE NW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	33	SE SW	39	3.0
5 S	4 W	WM	4	NW NE	39	0.2
5 S	4 W	WM	4	NE NW	39	10.4
Total						13.6

5. The Department received information from the applicant that better describes the location of the authorized points of diversion for Certificate 15391 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	4 W	WM	33	SW SE	POD NORTH - 215 FEET SOUTH AND 1450 FEET EAST FROM THE NW CORNER OF DLC 64
5 S	4 W	WM	4	SE NW	POD SOUTH - 2440 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF DLC 64

6. Transfer Application T-13232 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	33	SW SW	5		0.2
4 S	4 W	WM	33	SE SW		64	6.0
4 S	4 W	WM	33	SE SW	6		1.1
5 S	4 W	WM	4	NW NE		39	0.6
5 S	4 W	WM	4	NE NW		39	5.7
Total							13.6

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

Certificate: 15392 in the name of VEARL & LENA F. GOSS (perfected under Permit S-13309)
Use: IRRIGATION of 18.4 ACRES
Priority Date: OCTOBER 3, 1938
Rate: 0.23 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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
5 S	4 W	WM	4	SE NW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	4 W	WM	33	SW SW	5	0.7
4 S	4 W	WM	33	SE SW	6	0.7
5 S	4 W	WM	4	NW NW	2	15.7
5 S	4 W	WM	4	SW NW	3	1.3
Total						18.4

8. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 15392 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	4 W	WM	4	SE NW	POD SOUTH - 2440 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF DLC 64

9. Transfer Application T-13232 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	4	NE NW		39	2.1
5 S	4 W	WM	4	NE NW	2		6.5
5 S	4 W	WM	4	NW NW	2		9.8
Total							18.4

Transfer Review Criteria [OAR 690-380-4010(2)]

10. 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 rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-13232.
12. The proposed changes would not result in enlargement of the rights.
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 places of use proposed in Transfer Application T-13232 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13232 is approved, the final order will include the following:

- 1. The change in places of use proposed in Transfer Application T-13232 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 Certificates 15391 and 15392, and any related decree.*
- 3. Water right Certificates 15391 and 15392 are cancelled.*
- 4. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 5. 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.*
- 6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on



MAR 12 2020

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

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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March 12, 2020

WILLAMETTE VALLEY LAND, LLC
C/O PAUL KUEHNE
PO BOX 99
LAFAYETTE, OR 97127

SUBJECT: Water Right Transfer Application T-13232

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13232. 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 do not hesitate to contact me, at 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-13232
Joel M. Plahn, District 16 Watermaster (*via e-mail*)
Eric Anthony Urstadt, Agent for the applicant (*via e-mail*)

encs