

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: EAST FORK OF PUDDING RIVER, a tributary of PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	1 W	WM	18	NW NE	49	1500 FEET NORTH AND 640 FEET EAST FROM THE CENTER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	18	NW NE	49	8.20
7 S	1 W	WM	18	SW NE	49	9.20
7 S	1 W	WM	18	NE NW	49	10.50
7 S	1 W	WM	18	SE NW	49	3.40
TOTAL						31.30

5. Transfer Application T-13349 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	18	NW NE	49	6.20
7 S	1 W	WM	18	SW NE	49	8.60
7 S	1 W	WM	18	NE NW	49	11.90
7 S	1 W	WM	18	SE NW	49	4.60
TOTAL						31.30

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

Certificate: 51890 in the name of MELVIN E KING (perfected under Permit G-6307)
Use: IRRIGATION of 88.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 12.0 ACRES
Priority Date: JANUARY 30, 1975
Rate: 0.70 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: ONE WELL, a tributary of PUDDING RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	1 W	WM	18	NE NW	49	610 FEET SOUTH AND 1850 FEET EAST FROM THE NW CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	7	SW SW	49	6.20
7 S	1 W	WM	7	SE SW	49	10.70
7 S	1 W	WM	18	NE NW	49	27.50
7 S	1 W	WM	18	NW NW	49	21.20
7 S	1 W	WM	18	SW NW	49	9.20
7 S	1 W	WM	18	SE NW	49	13.20
TOTAL						88.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	18	NE NW	8.80
7 S	1 W	WM	18	SE NW	3.20
TOTAL					12.00

7. Transfer Application T-13349 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	7	SW SW	49	6.70
7 S	1 W	WM	7	SE SW	49	10.40
7 S	1 W	WM	18	NE NW	49	26.30
7 S	1 W	WM	18	NW NW	49	22.80
7 S	1 W	WM	18	SW NW	49	9.80
7 S	1 W	WM	18	SE NW	49	12.00
TOTAL						88.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	18	NE NW	9.05
7 S	1 W	WM	18	SE NW	2.95
TOTAL					12.00

8. The third right to be transferred is as follows:

Certificate: 92060 in the name of MELVIN KING (perfected under Permit G-11269)

Use: SUPPLEMENTAL IRRIGATION of 144.5 ACRES

Priority Date: OCTOBER 16, 1990

Rate: 0.89 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. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Source: WELL 3 in the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	1 W	WM	18	NW NW	49	530 FEET SOUTH AND 490 FEET EAST FROM THE NW CORNER OF SECTION 18

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	7	SW SW	49	14.20
7 S	1 W	WM	7	SE SW	49	10.70
7 S	1 W	WM	18	NE NW	49	36.30
7 S	1 W	WM	18	NW NW	49	44.00
7 S	1 W	WM	18	SW NW	49	18.20
7 S	1 W	WM	18	SE NW	49	16.40
7 S	2 W	WM	12	SE SE	88	1.00
7 S	2 W	WM	13	NE NE	88	2.60
7 S	2 W	WM	13	SE NE	88	1.10
TOTAL						144.50

9. Transfer Application T-13349 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	7	SW SW	49	14.70
7 S	1 W	WM	7	SE SW	49	10.40
7 S	1 W	WM	18	NE NW	49	35.35
7 S	1 W	WM	18	NW NW	49	45.60
7 S	1 W	WM	18	SW NW	49	18.80
7 S	1 W	WM	18	SE NW	49	14.95
7 S	2 W	WM	12	SE SE	88	1.00
7 S	2 W	WM	13	NE NE	88	2.60
7 S	2 W	WM	13	SE NE	88	1.10
TOTAL						144.50

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-13349.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

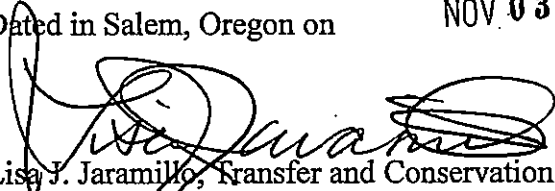
Determination and Proposed Action

The change in place of use proposed in Transfer Application T-13349 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-13349 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-13349 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 48895, 51890, 92060, and any related decree.*
- 3. Water right Certificates 48895, 51890, and 92060 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, 2022**. 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 **NOV 03 2020**


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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.Smith@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.

IMPORTANT: *Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline.*

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 3, 2020

VIA E-MAIL

Applicant

TROY KUENZI

10004 KAUFMAN RD NE

SILVERTON, OR 97381

SUBJECT: Water Right Transfer Application T-13349

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13349. 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 503-986-0892 or Joan.M.Smith@wrp.state.or.us if I may be of assistance.

Sincerely,

Joan Smith

Transfer Specialist

Transfer and Conservation Section

cc: T-13349

Gregory J. Wacker, District 16 Watermaster (*via e-mail*)

Doann Hamilton, Agent for the applicant (*via e-mail*)

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