



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
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FEBRUARY 25, 2021

*VIA E-MAIL*

DOROTHEA KATHRYN DeARMOND, LLC  
C/O BRENT DeARMOND  
18381 BOONES FERRY RD. NE  
HUBBARD, OR 97032

SUBJECT: Water Right Transfer Application T-13493

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13493. 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 Capitol Press 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.

**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 specified above.

Please do not hesitate to contact me at 503-986-0886 or [Patrick.K.Starnes@wr.d.state.or.us](mailto:Patrick.K.Starnes@wr.d.state.or.us) if I may be of assistance.

Kindest regards,

Tamera Smith  
Transfer Caseworker  
Transfer and Conservation Section

cc: T-13493 Transfer Application file  
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)  
Eric Anthony Urstadt, Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13493, Marion County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF
	)	APPROPRIATION

**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**

DOROTHEA KATHRYN DeARMOND, LLC  
C/O BRENT DeARMOND  
18381 BOONES FERRY RD. NE  
HUBBARD, OR 97032

**Findings of Fact**

1. On July 30, 2020, DOROTHEA KATHRYN DeARMOND, LLC, C/O BRENT DeARMOND, filed an application for an additional point of appropriation under Certificate 85763. The Department assigned the application number T-13493.
2. Notice of the application for transfer was published on August 4, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 21, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13493 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 21, 2020, for the applicants to respond. The applicants 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.

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.
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4. The right to be transferred is as follows:

**Certificate:** 85763 in the name of THOMAS H. DE ARMOND (perfected under Permit G-8387)  
**Use:** IRRIGATION of 23.8 ACRES AND SUPPLEMENTAL IRRIGATION of 74.7 ACRES  
**Priority Date:** NOVEMBER 8, 1978  
**Rate:** 0.57 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL WELLS, WELLS 4 AND 5, OR ITS EQUIVALENT IN CASE OF ROTATION, MEASURED AT THE WELLS  
**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 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.  
**Source:** THREE WELLS within the MILL CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	1 W	WM	29	SW SE	2		WELL 5 - 370 FEET NORTH AND 2750 FEET EAST FROM THE SW CORNER OF SECTION 29
4 S	1 W	WM	32	NW NE	1		WELL 4 - 70 FEET SOUTH AND 2750 FEET EAST FROM THE SW CORNER OF SECTION 29
4 S	1 W	WM	32	NE NW		56	WELL 8 - 1380 FEET NORTH AND 920 FEET WEST FROM THE C1/4 CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	SW SW	3		4.1
4 S	1 W	WM	29	SE SW	2		1.6
4 S	1 W	WM	29	SE SW		58	0.4
4 S	1 W	WM	32	NE NW	1		0.2
4 S	1 W	WM	32	NW NW	2		17.5
TOTAL							23.8

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	NE SW		58	2.0
4 S	1 W	WM	29	SE SW		58	17.5
4 S	1 W	WM	29	SE SW	2		16.2
4 S	1 W	WM	29	SW SE	2		1.2
4 S	1 W	WM	29	SW SE		57	0.8
4 S	1 W	WM	29	SW SE		58	3.8
4 S	1 W	WM	32	NW NE	1		2.6

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	32	NW NE		57	1.8
4 S	1 W	WM	32	NE NW	1		28.1
4 S	1 W	WM	32	NW NW	2		0.7
TOTAL							74.7

5. Transfer Application T-13493 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate measured distance from the original points of appropriation in miles (mi.)		
							Well 5	Well 4	Well 8
4 S	1 W	WM	32	NW NW	2	WELL 9 - 875 FEET SOUTH AND 405 FEET EAST FROM THE NW CORNER OF SECTION 32	0.5 mi.	0.5 mi.	0.2 mi.

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

6. 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.
7. 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-13493.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.
10. All other application requirements are met.

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13493 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-13493 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-13493 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 85763 and any related decree.*

3. *Water right Certificate 85763 cancelled.*
4. *The quantity of water diverted at the new additional point of appropriation, (Well 9), together with that diverted at the original points of appropriation, (Well 4, Well 5, and Well 8), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 4, Well 5, and Well 8).*
5. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
6. *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 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.*

**FEB 25 2021**

Dated in Salem, Oregon on \_\_\_\_\_



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

This draft Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or [tamera.l.smith@oregon.gov](mailto:tamera.l.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.*

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**Notice Regarding Service Members:** Active duty service members have a right to stay these proceedings under the federal service members 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.