

terms and conditions of this transfer. This revised draft of the Preliminary Determination include this item, and makes correction to several typos as well.

4. On December 16, 2020, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13292 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of January 15, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

5. The right to be transferred is as follows:

Certificate: 94508 in the name of OREGON DEPARTMENT OF TRANSPORTATION (ODOT) (perfected under Permit G-12054)

Use: IRRIGATION of 2.0 ACRES and SUPPLEMENTAL IRRIGATION of 5.14 ACRES

Priority Date: SEPTEMBER 27, 1993

Rate: 0.089 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Source: A WELL IN THE COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	24 E	WM	13	SW NW	BOARDMAN RA EB WELL - 1050 FEET NORTH AND 150 FEET EAST FROM THE W¼ CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	24 E	WM	13	SW NW	2.00

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
4 N	24 E	WM	13	NW NW	3.10
4 N	24 E	WM	13	SW NW	2.04
Total					5.14

6. Transfer Application T-13292 proposes to add an additional point of appropriation approximately 700 feet north from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
4 N	24 E	WM	13	NW NW	BOARDMAN RA WB WELL - 1750 FEET NORTH AND 235 FEET EAST FROM THE W¼ CORNER OF SECTION 13

Transfer Review Criteria (OAR 690-380-4010)

7. 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.
8. A well, pump and water delivery 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-13292.
9. The Department has determined that the proposed new additional point of appropriation Boardman RA WB Well (MORR 52504) will develop the same groundwater aquifer as the authorized point of appropriation (MORR 51844; MORR 51878/*alteration*). Under OAR 690-380-2110, any request for a change in point of appropriation is restricted to the same aquifer.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

ISSUE NAME

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-13292 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.

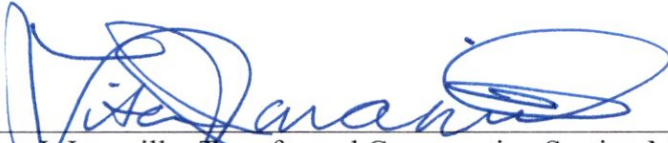
If Transfer Application T-13292 is approved, the final order will include the following:

1. *The additional point of appropriation proposed in Transfer Application T-13292 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 94508 and any related decree.*
3. *Water right Certificate 94508 is cancelled.*
4. *The quantity of water diverted at the new additional point of appropriation (Boardman RA WB Well), together with that diverted at the original point of appropriation (Boardman RA EB Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Boardman RA EB Well).*
5. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation (MORR 51878/51844).*
6. *Water use measurement, recording and reporting conditions:*
 - a. *The water user shall maintain the meter or other measuring device as approved by the Director in good working order.*

- b. *The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
- c. *The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of the water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

MAR 03 2021

Dated at Salem, Oregon this _____.



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

This Preliminary Determination was prepared by Ken Dowden. T-13292 is now assigned to 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.

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.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>



Oregon
Kate Brown, Governor

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

March 3, 2021

OREGON DEPARTMENT OF TRANSPORTATION
ATTN: KATIE HUBLER AND DAVE BOWERS
200 HAWTHORNE AVE SE, SUITE B240
SALEM, OR 97301

SUBJECT: Water Right Transfer Application T-13292

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13292. 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.

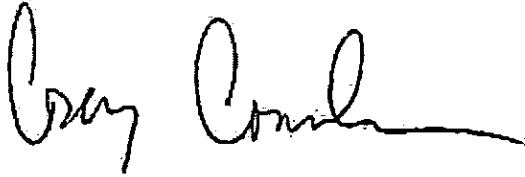
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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.

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 corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13292
Gregory M. Silbernagel, District 5 Watermaster *(via e-mail)*
GSI Water Solutions, Agent for the applicant *(via e-mail)*

encs