

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13387, Josephine County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

HOLLAND LAKE FARMS LLC
PO BOX 454
CUTTEN, CA 95534

Findings of Fact

1. On March 10, 2020, HOLLAND LAKE FARMS LLC filed an application to change the place of use under Certificate 2712. The Department assigned the application number T-13387.
2. Notice of the application for transfer was published on March 17, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 7, 2020, the Department contacted the applicant's agent by written correspondence to notify the agent of a deficiency in the application. The application map was not clear enough on whether Kendall Road was included in the place of use or not.
4. On January 26, 2021, the agent submitted a revised application map, resolving the deficiency.
5. On February 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13387 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 19, 2021, 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.

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. The portion of the right to be transferred is as follows:

Certificate: 2712 in the name of GEO W. DUNN (confirmed by ALTHOUSE CREEK Decree)
Use: IRRIGATION of 20.0 ACRES OF LAND, DOMESTIC, and STOCK USE
Priority Date: 1858
Rate: 0.4 CUBIC FOOT PER SECOND
Source: ALTHOUSE CREEK, a tributary of the ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
<i>Not specified in certificate</i>				

Authorized Place of Use:

IRRIGATION, DOMESTIC, AND STOCK USE						
Twp	Rng	Mer	Sec	Q-Q	Acres	
40 S	7 W	WM	5	SE NE	20.0	

7. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 2712 as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	7 W	WM	9	NE SE	POD 1 (HOLLAND BEACH AND PLATTER DITCH POD) - LATITUDE: 42° 06' 19.31266" (N) LONGITUDE: -123° 31' 25.2981" (W)

8. Transfer Application T-13387 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC, AND STOCK USE							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	
40 S	7 W	WM	4	SW NW	39	20.0	

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

9. 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.
10. A diversion structure and ditch 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-13387.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-13387 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.

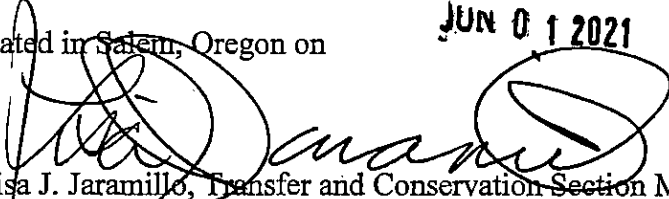
If Transfer Application T-13387 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-13387 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 2712 and any related decree.*
- 3. Water right Certificate 2712 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 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 change and full beneficial use of the water.*

6. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on

JUN 01 2021


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.

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 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

June 1, 2021

HOLLAND LAKE FARMS LLC
PO BOX 454
CUTTEN, CA 95534

SUBJECT: Water Right Transfer Application T-13387

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13387. 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,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13387
Scott C. Ceciliani, District 14 Watermaster *(via e-mail)*
Scott D. Fein, Agent for the applicant *(via e-mail)*

encs