



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
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December 8, 2021

VIA CERTIFIED MAIL AND E-MAIL

Applicant

JANE STOCKFLETH LLC
15561 RIVER RD NE
ST. PAUL, OR 97137

SUBJECT: Water Right Transfer Application T-13413

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13413. 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 Keizer Times 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.

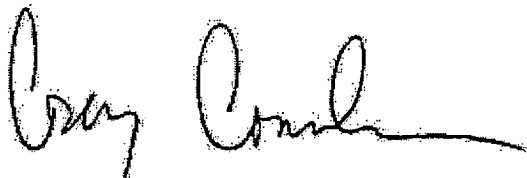
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

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 corey.a.courchane@oregon.gov or (503) 979-3917, 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-13413
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)
William E. McGill, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13413, Marion County)	PROPOSING APPROVAL FOR ADDITIONAL
)	POINTS 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

JANE STOCKFLETH LLC
15561 RIVER RD NE
ST. PAUL, OR 97137

Findings of Fact

1. On April 9, 2020, JANE STOCKFLETH LLC filed an application for additional points of appropriation (APOA) under Certificates 33555, 48059, and 48060. The Department assigned the application number T-13413.
2. Notice of the application for transfer was published on April 28, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 8, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13413 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 8, 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.

4. On September 14, 2021, on behalf the applicant, the applicant's agent submitted a request to extend the date to complete full beneficial use of the water to October 1, 2026. The applicant is working through some well construction issues regarding proposed APOA 4 on another application, and if the proposed APOA is re-drilled, they would appreciate the extra time in order to claim the new well instead.
5. The first right to be transferred is as follows:

Certificate: 33555 in the name of JOHN STOCKFLETH (perfected under Permit G-882)
Use: IRRIGATION of 134.82 ACRES
Priority Date: JUNE 27, 1958
Rate: 0.78 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: A WELL

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	3 W	WM	25	SE NE	POA 1 - 630 FEET NORTH AND 830 FEET WEST FROM THE E 1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	2 W	WM	19	SW SW			4.40
5 S	2 W	WM	30	NW NW			4.40
5 S	3 W	WM	24	SE SE			13.12
5 S	3 W	WM	25	NE NE			38.90
5 S	3 W	WM	25	NW NE	1		4.40
5 S	3 W	WM	25	SW NE	2		6.00
5 S	3 W	WM	25	SW NE		69	20.10
5 S	3 W	WM	25	SE NE		69	15.50
5 S	3 W	WM	25	SE NE	9		18.00
5 S	3 W	WM	25	NE SE		69	6.70
5 S	3 W	WM	25	NW SE		69	3.30
Total							134.82

6. Transfer Application T-13413 proposes additional points of appropriations as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
5 S	2 W	WM	19	NE SW	APOA 4 - 430 FEET NORTH AND 270 FEET EAST FROM THE SW CORNER OF DLC 90	1.0 mi.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
5 S	2 W	WM	30	SW NW	APOA 3 - 1400 FEET SOUTH AND 920 FEET EAST FROM THE NW CORNER OF SECTION 30	0.4 mi.
5 S	2 W	WM	30	NW SW	APOA 2 - 400 FEET SOUTH AND 750 FEET EAST FROM THE W1/4 CORNER OF SECTION 30	0.3 mi.

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

Certificate: 48059 in the name of JOHN & JANE STOCKFLETH (perfected under Permit G-6596)

Use: IRRIGATION of 16.88 ACRES and SUPPLEMENTAL IRRIGATION of 134.82 ACRES

Priority Date: OCTOBER 31, 1975

Rate: 1.12 CUBIC FEET 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: A WELL, a tributary of WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	3 W	WM	25	SE NE	69	POA 1 - 630 FEET NORTH AND 830 FEET WEST FROM THE E1/4 CORNER OF SECTION 25

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	2 W	WM	19	SW SW	2.40
5 S	3 W	WM	24	SE SE	14.48
Total					16.88

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	2 W	WM	19	SW SW			4.40
5 S	2 W	WM	30	NW NW			4.40
5 S	3 W	WM	24	SE SE			13.12
5 S	3 W	WM	25	NE NE			38.90
5 S	3 W	WM	25	NW NE	1		4.40
5 S	3 W	WM	25	SW NE	2		6.00
5 S	3 W	WM	25	SW NE		69	20.10
5 S	3 W	WM	25	SE NE		69	15.50

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	3 W	WM	25	SE NE	9		18.00
5 S	3 W	WM	25	NE SE		69	6.70
5 S	3 W	WM	25	NW SE		69	3.30
						Total	134.82

8. Transfer Application T-13413 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
5 S	2 W	WM	19	NE SW	APOA 4 - 430 FEET NORTH AND 270 FEET EAST FROM THE SW CORNER OF DLC 90	1.0 mi.
5 S	2 W	WM	30	SW NW	APOA 3 - 1400 FEET SOUTH AND 920 FEET EAST FROM THE NW CORNER OF SECTION 30	0.4 mi.
5 S	2 W	WM	30	NW SW	APOA 2 - 400 FEET SOUTH AND 750 FEET EAST FROM THE W1/4 CORNER OF SECTION 30	0.3 mi.

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

Certificate: 48060 in the name of JOHN & JANE STOCKFLETH (perfected under Permit G-6597)

Use: IRRIGATION of 65.6 ACRES

Priority Date: OCTOBER 31, 1975

Rate: 0.82 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: A WELL, a tributary of WILLAMETTE RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	2 W	WM	30	SW NW	POA 3 - 1400 FEET SOUTH AND 920 FEET EAST FROM THE NW CORNER OF SECTION 30

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	
5 S	2 W	WM	19	NE SW	6	8.0	
5 S	2 W	WM	19	NW SW		42.8	
5 S	2 W	WM	19	SW SW		14.8	
						Total	65.6

10. Transfer Application T-13413 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in miles (mi.)
5 S	2 W	WM	19	NE SW	APOA 4 - 430 FEET NORTH AND 270 FEET EAST FROM THE SW CORNER OF DLC 90	0.6 mi.
5 S	2 W	WM	30	NW SW	APOA 2 - 400 FEET SOUTH AND 750 FEET EAST FROM THE W1/4 CORNER OF SECTION 30	0.3 mi.
5 S	3 W	WM	25	SE NE	APOA 1 - 630 FEET NORTH AND 830 FEET WEST FROM THE E1/4 CORNER OF SECTION 25	0.4 mi.

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. 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-13413.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-13413 appear 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.

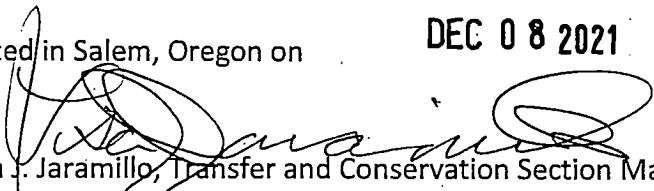
If Transfer Application T-13413 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-13413 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 33555, 48059, and 48060, and any related decree.*
3. *Water right Certificates 33555, 48059, and 48060 are cancelled.*

4. *The quantity of water, as authorized under Certificates 33555 and 48059, diverted at the new additional points of appropriation (APOA 2, 3, and 4), together with that diverted at the original point of appropriation (POA 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 1).*
5. *The quantity of water, as authorized under Certificate 48060, diverted at the new additional points of appropriation (APOA 1, 2, and 4), together with that diverted at the original point of appropriation (POA 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA 3).*
6. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. 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, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on

DEC 08 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 503-979-3917 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.

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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.