



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
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February 1, 2022

VIA CERTIFIED MAIL

SINGHOSE LAND AND CATTLE CO. LLC
PO BOX 55
RILEY, OR 97758

SUBJECT: Water Right Transfer Application T-13690

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13690. 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 Burns Times-Herald 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 503-979-9607 or tamera.l.smith@oregon.gov if I may be of assistance.

Kindest regards,



Tamera Smith
Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13690
J R. Johnson, District 10 Watermaster *(via e-mail)*
John A. Short, Agent for the applicant *(via e-mail)*
Bryce Withers, Agent for the applicant *(via e-mail)*

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13690, Harney County)	PROPOSING APPROVAL OF ADDITIONAL
)	POINTS OF APPROPRIATION, A CHANGE
)	IN POINT OF APPROPRIATION, AND
)	CHANGES IN PLACES OF USE

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

SINGHOSE LAND AND CATTLE CO., LLC
PO BOX 55
RILEY, OR 97758

Findings of Fact

1. On April 23, 2021, SINGHOSE LAND AND CATTLE CO., LLC filed an application for additional points of appropriation and to change the places of use under Certificates 93855, 93875, 93876, 94268, and 95088, and to change the point of appropriation under Certificate 93855. The Department assigned the application number T-13690.
2. Notice of the application for transfer was published on May 4, 2021, pursuant to OAR 690-380-4000. One timely comment was filed in response to the notice. The issues raised by the comments focused primarily on concerns that:
 - a) The transfer will adversely affect public welfare, safety, and health.
 - b) The water in Harney Basin has been vastly over allocated.
 - c) Too much pumping of groundwater has dried up wells, lakes, springs and created huge holes in the aquifers.

3. Not all issues raised by the commenter are relevant to the criteria for approval of a transfer application under OAR 690-380-5000. Many of the issues noted in Finding of Fact #2, though important to the residents and water resources of the area, do not directly relate to the transfer review criteria. Rather, the statutory basis for approving a water right transfer application is relatively narrow and confined to the Department finding or determining:
 - a) The water right proposed for transfer is a water use subject to transfer;
 - b) The portion of the water right proposed for transfer is not cancelled nor subject to forfeiture for non-use pursuant to ORS 540.610;
 - c) The water user is ready, willing and able to use the full amount of water allowed under the right;
 - d) The proposed transfer would not result in enlargement of the water right proposed for transfer; and
 - e) The proposed transfer would not result in injury to other water rights.
4. On June 18, 2021, the Department contacted the agent, requesting a correction for the measured distance on a well in the application. The agent responded the same day with the revised table.
5. On August 24, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13690 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of September 23, 2021, 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.
6. On September 20, 2021, the agent for the applicant requested five years for the contractors to complete the changes.
7. The first right to be transferred is as follows:

Certificate:	93855 in the name of LORISSA SINGHOSE and PHILLIP SINGHOSE (perfected under Permit G-5255)
Use:	IRRIGATION of 124.9 ACRES AND SUPPLEMENTAL IRRIGATION of 149.0 ACRES
Priority Date:	NOVEMBER 18, 1974
Rate:	3.34 CUBIC FEET PER SECOND
Limit/Duty:	For irrigation, this appropriation shall be limited to 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 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; Provided further that the right allowed herein shall be limited to any deficiency in

the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: A WELL in the SILVER CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	13	NW SE	WELL #6 (SANDERS WELL) - 1970 FEET NORTH AND 1720 FEET WEST FROM THE SE CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	12	SW SE	8.0
24 S	27 E	WM	12	SE SE	7.7
24 S	27 E	WM	13	NE NE	36.0
24 S	27 E	WM	13	NW NE	22.4
24 S	27 E	WM	13	SW SE	10.8
24 S	27 E	WM	13	SE SE	40.0
TOTAL					124.9

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	12	SW SE	5.2
24 S	27 E	WM	12	SE SE	3.5
24 S	27 E	WM	13	NW NE	17.0
24 S	27 E	WM	13	SW NE	34.0
24 S	27 E	WM	13	SE NE	32.7
24 S	27 E	WM	13	NE SE	33.0
24 S	27 E	WM	13	NW SE	23.6
TOTAL					149.0

8. Transfer Application T-13690 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
24 S	27 E	WM	2	NE SE	WELL #7 (CORRAL WELL) – LAT: 43.517322, LONG: -119.442287	2.2 mi.
24 S	27 E	WM	3	SE SE	WELL #1 (UPPER DAM) – LAT: 43.512318, LONG: -119.460251	2.5 mi.
24 S	27 E	WM	11	NE NW	WELL #8 (LOWER DAM) – LAT: 43.510963, LONG: -119.450843	2.1 mi.
24 S	27 E	WM	14	SE NW	WELL #2 (MIDDLE WELL) –	3.1 mi.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
					LAT: 43.491985, LONG: -119.450945	
24 S	27 E	WM	14	SW SW	WELL #4 (STOCK WELL) – LAT: 43.482810, LONG: -119.452226	1.5 mi.
24 S	27 E	WM	24	NE NE	WELL #9 – LAT: 43.481360, LONG: -119.417346	0.6 mi.
24 S	28 E	WM	18	SW SW	WELL #5 (PIVOT WELL) – LAT: 43.485113, LONG: -119.417153	1.4 mi.

9. The agent has provided latitude and longitude measured distances to re-describe the measured distance of the authorized point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	13	NW SE	WELL #6 (SANDER WELL – HARN 756/764/50803 & L-103880) – LAT: 43.488040, LONG: -119.423810

10. Transfer Application T-13690 also proposes to change the points of appropriation as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	15	SE NE	1.8	WELLS 2 & 4

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	11	SW NE	5.8	WELLS 1, 7, & 8
24 S	27 E	WM	11	NW SE	3.5	WELLS 1, 7, & 8
TOTAL					9.3	

11. Transfer Application T-13690 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	12	SW SE	8.0	WELLS 5, 6, & 9
24 S	27 E	WM	12	SE SE	7.7	WELLS 5, 6, & 9
24 S	27 E	WM	13	NE NE	36.0	WELLS 5, 6, & 9
24 S	27 E	WM	13	NW NE	22.4	WELLS 5, 6, & 9
24 S	27 E	WM	13	SW SE	10.8	WELLS 5, 6, & 9
24 S	27 E	WM	13	SE SE	38.2	WELLS 5, 6, & 9
TOTAL					123.1	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	12	SW SE	5.2	WELLS 5, 6, & 9
24 S	27 E	WM	12	SE SE	3.5	WELLS 5, 6, & 9
24 S	27 E	WM	13	NW NE	17.0	WELLS 5, 6, & 9
24 S	27 E	WM	13	SW NE	33.4	WELLS 5, 6, & 9
24 S	27 E	WM	13	SE NE	24.0	WELLS 5, 6, & 9
24 S	27 E	WM	13	NE SE	33.0	WELLS 5, 6, & 9
24 S	27 E	WM	13	NW SE	23.6	WELLS 5, 6, & 9
TOTAL					139.7	

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

Certificate: 93875 in the names of LORISSA SINGHOSE and PHILLIP SINGHOSE (perfected under Permit G-10862)

Use: IRRIGATION OF 265.1 ACRES AND SUPPLEMENTAL IRRIGATION OF 121.4 ACRES

Priority Date: JULY 25, 1983

Rate: 3.52 CUBIC FEET PER SECOND (CFS), BEING 2.0 CFS FROM CORRAL WELL AND 1.52 CFS FROM STOCK WELL

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right shall be limited to any deficiency in the available supply of any prior right for the same land and shall not exceed the limitation allowed herein.

Source: TWO WELLS WITHIN SILVER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	2	NW SE	WELL #7 (CORRAL WELL) - 650 FEET SOUTH AND 1470 FEET WEST FROM THE E1/4 CORNER OF SECTION 2
24 S	27 E	WM	14	SW SW	WELL #4 (STOCK WELL) - 100 FEET NORTH AND 1010 FEET EAST FROM THE SW CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	2	SW SW	1.0
24 S	27 E	WM	2	SE SW	15.7
24 S	27 E	WM	2	NE SE	15.9
24 S	27 E	WM	2	NW SE	13.7
24 S	27 E	WM	2	SW SE	38.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	2	SE SE	40.0
24 S	27 E	WM	11	NE NE	36.0
24 S	27 E	WM	11	NW NE	38.0
24 S	27 E	WM	11	SW NE	28.0
24 S	27 E	WM	11	SE NE	22.6
24 S	27 E	WM	11	NE NW	16.2
TOTAL					265.1

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	14	NE SW	31.4
24 S	27 E	WM	14	NW SW	30.0
24 S	27 E	WM	14	SW SW	30.0
24 S	27 E	WM	14	SE SW	30.0
TOTAL					121.4

13. Transfer Application T-13690 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Points of Appropriation in Miles (mi.)	
						WELL #7	WELL #4
24 S	27 E	WM	3	SE SE	WELL #1 (UPPER DAM) – LAT: 43.512318, LONG: -119.460251	1.0	2.1
24 S	27 E	WM	11	NE NW	WELL #8 (LOWER DAM) – LAT: 43.510963, LONG: -119.450843	0.6	1.9
24 S	27 E	WM	14	SE NW	WELL #2 (MIDDLE WELL) – LAT: 43.491985, LONG: -119.450945	1.8	0.6

14. The agent has provided latitude and longitude measured distances to re-describe the measured distance of the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	2	NW SE	WELL #7 (CORRAL WELL) – LAT: 43.517322, LONG: -119.442287
24 S	27 E	WM	14	SW SW	WELL #4 (STOCK WELL) – LAT: 43.482810, LONG: -119.452226

15. Transfer Application T-13690 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	2	NW NW	3.6	WELLS 1, 7, & 8
24 S	27 E	WM	2	SW NW	0.9	WELLS 1, 7, & 8
24 S	27 E	WM	2	SW SW	1.0	WELLS 1, 7, & 8
24 S	27 E	WM	2	SE SW	14.3	WELLS 1, 7, & 8
24 S	27 E	WM	2	NE SE	11.2	WELLS 1, 7, & 8

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	2	NW SE	10.3	WELLS 1, 7, & 8
24 S	27 E	WM	2	SW SE	37.8	WELLS 1, 7, & 8
24 S	27 E	WM	2	SE SE	39.6	WELLS 1, 7, & 8
24 S	27 E	WM	3	NE NE	5.8	WELLS 1, 7, & 8
24 S	27 E	WM	3	NW NE	1.7	WELLS 1, 7, & 8
24 S	27 E	WM	3	SW NE	0.3	WELLS 1, 7, & 8
24 S	27 E	WM	11	NE NE	25.7	WELLS 1, 7, & 8
24 S	27 E	WM	11	NW NE	26.3	WELLS 1, 7, & 8
24 S	27 E	WM	11	SW NE	32.1	WELLS 1, 7, & 8
24 S	27 E	WM	11	SE NE	31.0	WELLS 1, 7, & 8
24 S	27 E	WM	11	NE NW	15.9	WELLS 1, 7, & 8
24 S	27 E	WM	11	NE SE	3.8	WELLS 1, 7, & 8
24 S	27 E	WM	11	NW SE	3.8	WELLS 1, 7, & 8
TOTAL					265.1	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	14	NE SW	31.4	WELLS 2 & 4
24 S	27 E	WM	14	NW SW	30.0	WELLS 2 & 4
24 S	27 E	WM	14	SW SW	30.0	WELLS 2 & 4
24 S	27 E	WM	14	SE SW	30.0	WELLS 2 & 4
TOTAL					121.4	

16. The third water right to be transferred is as follows:

Certificate: 93876 in the name of PHILLIP SINGHOSE AND LORISSA SINGHOSE
(perfected under Permit G-5257)

Use: IRRIGATION OF 14.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 208.4
ACRES

Priority Date: NOVEMBER 18, 1974

Rate: 2.79 CUBIC FEET PER SECOND

Limit/Duty: This appropriation shall be limited to 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 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: LOWER DAM FIELD WELL IN THE SILVER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	11	NE NW	WELL #8 (LOWER DAM) - 430 FEET SOUTH AND 1570 FEET EAST FROM THE NW CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	11	NW NE	1.3
24 S	27 E	WM	11	SW NE	1.7
24 S	27 E	WM	11	NE NW	5.8
24 S	27 E	WM	11	SE NW	5.8
TOTAL					14.6

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	2	SW SW	1.0
24 S	27 E	WM	2	SE SW	15.7
24 S	27 E	WM	2	NE SE	5.0
24 S	27 E	WM	2	NW SE	14.5
24 S	27 E	WM	2	SW SE	38.0
24 S	27 E	WM	2	SE SE	20.0
24 S	27 E	WM	11	NE NE	20.0
24 S	27 E	WM	11	NW NE	38.0
24 S	27 E	WM	11	SW NE	28.0
24 S	27 E	WM	11	SE NE	12.0
24 S	27 E	WM	11	NE NW	16.2
TOTAL					208.4

17. Transfer Application T-13690 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
24 S	27 E	WM	2	NE SE	WELL #7 (CORRAL WELL) – LAT: 43.517322, LONG: -119.442287	0.6 mi.
24 S	27 E	WM	3	SE SE	WELL #1 (UPPER DAM) – LAT: 43.512318, LONG: -119.460251	0.5 mi.
24 S	27 E	WM	13	NW SE	WELL #6 (SANDER WELL) – LAT: 43.488040, LONG: - 119.423810	2.1 mi.
24 S	27 E	WM	24	NE NE	WELL # 9 – LAT: 43.481360, LONG: -119.417346	2.7 mi.
24 S	28 E	WM	18	SW SW	WELL #5 (PIVOT WELL) – LAT: 43.485113, LONG: -119.417153	2.5 mi.

18. The agent has provided latitude and longitude measured distances to re-describe the measured distance of the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	11	NE NW	WELL #8 (LOWER DAM) – LAT: 43.510963, LONG: -119.450843

19. Transfer Application T-13690 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	1	SW SW	1.1	WELLS 1, 7, & 8
24 S	27 E	WM	2	SW NW	1.4	WELLS 1, 7, & 8
24 S	27 E	WM	2	SE NW	1.4	WELLS 1, 7, & 8
24 S	27 E	WM	2	NE SE	1.0	WELLS 1, 7, & 8
24 S	27 E	WM	2	NW SE	0.6	WELLS 1, 7, & 8
24 S	27 E	WM	11	NW NE	1.3	WELLS 1, 7, & 8
24 S	27 E	WM	11	SW NE	0.2	WELLS 1, 7, & 8
24 S	27 E	WM	11	NE NW	6.1	WELLS 1, 7, & 8
24 S	27 E	WM	11	SE NW	0.5	WELLS 1, 7, & 8
24 S	27 E	WM	13	NW NE	0.1	WELLS 5, 6, & 9
24 S	27 E	WM	13	SW NE	0.9	WELLS 5, 6, & 9
TOTAL					14.6	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	2	SW SW	1.0	WELLS 1, 7, & 8
24 S	27 E	WM	2	SE SW	14.3	WELLS 1, 7, & 8
24 S	27 E	WM	2	NE SE	11.2	WELLS 1, 7, & 8
24 S	27 E	WM	2	NW SE	10.3	WELLS 1, 7, & 8
24 S	27 E	WM	2	SW SE	37.8	WELLS 1, 7, & 8
24 S	27 E	WM	2	SE SE	39.6	WELLS 1, 7, & 8
24 S	27 E	WM	11	NE NE	25.7	WELLS 1, 7, & 8
24 S	27 E	WM	11	NW NE	26.3	WELLS 1, 7, & 8
24 S	27 E	WM	11	SW NE	26.3	WELLS 1, 7, & 8
24 S	27 E	WM	11	NE NW	15.9	WELLS 1, 7, & 8
TOTAL					208.4	

20. The fourth water right to be transferred is as follows:

Certificate: 94268 in the name of LORISSA SINGHOSE AND PHILLIP SINGHOSE
(perfected under Permit G-5253)

Use: IRRIGATION of 50.0 ACRES AND SUPPLEMENTAL IRRIGATION of 270.0
ACRES

Priority Date: NOVEMBER 18, 1974

Rate: 4.0 CUBIC FEET PER SECOND

Limit/Duty: For irrigation, this appropriation shall be limited to 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 3.0 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

Source: A WELL in the SILVER CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	14	SE NW	WELL #2 (MIDDLE WELL) - 2000 FEET SOUTH AND 1700 FEET EAST FROM THE NW CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	14	NE NE	20.0
24 S	27 E	WM	14	SE NE	20.0
24 S	27 E	WM	14	NW NW	10.0
TOTAL					50.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	27 E	WM	14	NE NE	20.0
24 S	27 E	WM	14	NW NE	40.0
24 S	27 E	WM	14	SW NE	40.0
24 S	27 E	WM	14	SE NE	20.0
24 S	27 E	WM	14	NE NW	40.0
24 S	27 E	WM	14	NW NW	30.0
24 S	27 E	WM	14	SW NW	40.0
24 S	27 E	WM	14	SE NW	40.0
TOTAL					270.0

21. Transfer Application T-13690 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
24 S	27 E	WM	2	NE SE	WELL #7 (CORRAL WELL) – LAT: 43.517322, LONG: -119.442287	2.2 mi.
24 S	27 E	WM	3	SE SE	WELL #1 (UPPER DAM) – LAT: 43.512318, LONG: -119.460251	2.5 mi.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
24 S	27 E	WM	11	NE NW	WELL #8 (LOWER DAM) – LAT: 43.510963, LONG: -119.450843	2.1 mi.
24 S	27 E	WM	14	SW SW	WELL #4 (STOCK WELL) – LAT: 43.482810, LONG: -119.452226	1.5 mi.

22. The agent has provided latitude and longitude measured distances to re-describe the measured distance of the authorized point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	27 E	WM	14	SE NW	WELL#2 (MIDDLE WELL) – LAT: 43.491985, LONG: -119.450945

23. Transfer Application T-13690 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	14	NE NE	13.7	WELLS 2 & 4
24 S	27 E	WM	14	SE NE	13.5	WELLS 2 & 4
24 S	27 E	WM	14	NW NW	8.1	WELLS 2 & 4
24 S	27 E	WM	15	NE NE	10.6	WELLS 2 & 4
24 S	27 E	WM	15	SE NE	4.1	WELLS 2 & 4
TOTAL					50.0	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Points of Appropriation
24 S	27 E	WM	11	SE NE	31.0	WELLS 1, 7, & 8
24 S	27 E	WM	11	NE SE	3.8	WELLS 1, 7, & 8
24 S	27 E	WM	11	NW SE	0.3	WELLS 1, 7, & 8
24 S	27 E	WM	14	NE NE	19.8	WELLS 2 & 4
24 S	27 E	WM	14	NW NE	31.7	WELLS 2 & 4
24 S	27 E	WM	14	SW NE	31.4	WELLS 2 & 4
24 S	27 E	WM	14	SE NE	19.5	WELLS 2 & 4
24 S	27 E	WM	14	NE NW	34.3	WELLS 2 & 4
24 S	27 E	WM	14	NW NW	30.0	WELLS 2 & 4
24 S	27 E	WM	14	SW NW	34.0	WELLS 2 & 4
24 S	27 E	WM	14	SE NW	34.2	WELLS 2 & 4
TOTAL					270.0	

24. The fifth water right to be transferred is as follows:

Certificate: 95088 in the name of PHILLIP AND LORISSA SINGHOSE (perfected under Permit G-16583)

Use: IRRIGATION of 551.4 ACRES

Priority Date: JULY 21, 2008

Rate: 6.9 CUBIC FEET PER SECOND (CFS), BEING 4.16 CFS FROM WELL 13 AND 2.74 CFS FROM WELL 15

Limit/Duty: The amount of water used for irrigation under this right, 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, 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: WELL 13 (HARN 756/HARN 50803) AND WELL 15 IN SILVER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
24 S	27 E	WM	3	NE NE	1	WELL #15 - 220 FEET SOUTH AND 660 FEET WEST FROM THE NE CORNER OF SECTION 3
24 S	27 E	WM	13	NW SE		WELL #13 (HARN 756/HARN 50803) - 3480 FEET SOUTH AND 1665 FEET WEST FROM THE NE CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
23 S	27 E	WM	34	SE NE		8.2
23 S	27 E	WM	34	SE SW		0.6
23 S	27 E	WM	34	NE SE		27.8
23 S	27 E	WM	34	NW SE		34.8
23 S	27 E	WM	34	SW SE		32.1
23 S	27 E	WM	34	SE SE		12.8
23 S	27 E	WM	35	SW NW		20.8
23 S	27 E	WM	35	SE NW		2.7
23 S	27 E	WM	35	NE SW		16.1
23 S	27 E	WM	35	NW SW		38.5
23 S	27 E	WM	35	SW SW		20.0
23 S	27 E	WM	35	SE SW		3.1
24 S	27 E	WM	3	NE NE	1	0.8
24 S	27 E	WM	3	NW NE	2	0.6
24 S	27 E	WM	12	SE SW		0.7
24 S	27 E	WM	12	SW SE		15.1
24 S	27 E	WM	12	SE SE		9.0
24 S	27 E	WM	13	NW NE		5.8
24 S	27 E	WM	13	NE NW		7.2
24 S	27 E	WM	24	NE NE		35.7
24 S	27 E	WM	24	NW NE		8.8
24 S	27 E	WM	24	SW NE		24.7
24 S	27 E	WM	24	SE NE		34.9
24 S	27 E	WM	24	SE NW		3.3
24 S	27 E	WM	24	NE SW		25.2
24 S	27 E	WM	24	SE SW		16.1

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
24 S	27 E	WM	24	NE SE		37.8
24 S	27 E	WM	24	NW SE		40.0
24 S	27 E	WM	24	SW SE		39.9
24 S	27 E	WM	24	SE SE		28.3
TOTAL						551.4

25. Transfer Application T-13690 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles (mi.)
24 S	27 E	WM	24	NE NE	WELL # 9 – LAT: 43.481360, LONG: -119.417346	0.6 mi.
24 S	28 E	WM	18	SW SW	WELL #5 PIVOT WELL – LAT: 43.485113, LONG: -119.417153	1.4 mi.

26. The agent has provided latitude and longitude measured distances to re-describe the measured distance of the authorized points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	GLot	Measured Distances
24 S	27 E	WM	3	NE NE	300	1	WELL #15 (HARN 51756/51807 & L-103880) – LAT: 43.525850, LONG: -119.460508
24 S	27 E	WM	13	NW SE	300		WELL #6 (SANDER WELL – HARN 756/764/50803 & L-103880) – LAT: 43.488040, LONG: -119.423810

27. Transfer Application T-13690 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Points of Appropriation
23 S	27 E	WM	34	SE NE		8.2	WELL 15
23 S	27 E	WM	34	SE SW		0.6	WELL 15
23 S	27 E	WM	34	NE SE		27.8	WELL 15
23 S	27 E	WM	34	NW SE		34.8	WELL 15
23 S	27 E	WM	34	SW SE		32.1	WELL 15
23 S	27 E	WM	34	SE SE		12.8	WELL 15
23 S	27 E	WM	35	SW NW		20.8	WELL 15
23 S	27 E	WM	35	SE NW		2.7	WELL 15
23 S	27 E	WM	35	NE SW		16.1	WELL 15
23 S	27 E	WM	35	NW SW		38.5	WELL 15
23 S	27 E	WM	35	SW SW		20.0	WELL 15
23 S	27 E	WM	35	SE SW		3.1	WELL 15
24 S	27 E	WM	3	NE NE	1	0.8	WELL 15
24 S	27 E	WM	3	NW NE	2	0.6	WELL 15
24 S	27 E	WM	12	SE SW		0.7	WELLS 5, 6, & 9
24 S	27 E	WM	12	SW SE		15.1	WELLS 5, 6, & 9
24 S	27 E	WM	12	SE SE		9.0	WELLS 5, 6, & 9
24 S	27 E	WM	12	NW NE		5.8	WELLS 5, 6, & 9

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Points of Appropriation
24 S	27 E	WM	12	NE NW		7.2	WELLS 5, 6, & 9
24 S	27 E	WM	24	NE NE		35.7	WELLS 5, 6, & 9
24 S	27 E	WM	24	NW NE		8.8	WELLS 5, 6, & 9
24 S	27 E	WM	24	SW NE		24.7	WELLS 5, 6, & 9
24 S	27 E	WM	24	SE NE		34.9	WELLS 5, 6, & 9
24 S	27 E	WM	24	SE NW		3.3	WELLS 5, 6, & 9
24 S	27 E	WM	24	NE SW		25.2	WELLS 5, 6, & 9
24 S	27 E	WM	24	SE SW		16.1	WELLS 5, 6, & 9
24 S	27 E	WM	24	NE SE		37.8	WELLS 5, 6, & 9
24 S	27 E	WM	24	NW SE		40.0	WELLS 5, 6, & 9
24 S	27 E	WM	24	SW SE		39.9	WELLS 5, 6, & 9
24 S	27 E	WM	24	SE SE		28.3	WELLS 5, 6, & 9
TOTAL:						551.4	

Transfer Review Criteria (OAR 690-380-4010)

28. 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.
29. 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-13690.
30. The proposed change would not result in enlargement of the rights.
31. The proposed change would not result in injury to other water rights.
32. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation and changes in places of use proposed in Transfer Application T-13690 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.

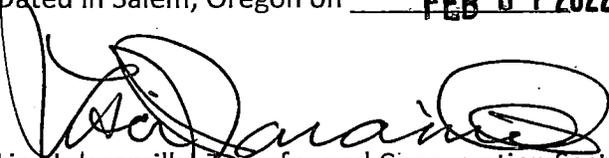
If Transfer Application T-13690 is approved, the final order will include the following:

1. *The additional points of appropriation and changes in places of use proposed in Transfer Application T-13690 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 93855, 93875, 93876, 94268, and 95088, and any related decree.*

3. *Water right Certificates 93855, 93875, 93876, 94268, and 95088 are cancelled.*
4. *Under Certificate 93855, the quantity of water diverted at the additional points of appropriation (Well #1 Upper Dam, Well #2 Middle Well, Well #4 Stock Well, Well #5 Pivot Well, Well #7 Corral Well, Well #8 Lower Dam Well, and Well #9), together with that diverted at the original point of appropriation (Well #6 Sander Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well #6 Sander Well).*
5. *Under Certificate 93875, the quantity of water diverted at the additional points of appropriation (Well #1 Upper Dam, Well #2 Middle Well, and Well #8 Lower Dam Well), together with that diverted at the original points of appropriation (Well #4 Stock Well and Well #7 Corral Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well #4 Stock Well and Well #7 Corral Well).*
6. *Under Certificate 93876, the quantity of water diverted at the additional points of appropriation (Well #1 Upper Dam Well, Well #5 Pivot Well, Well #6 Sander Well, Well #7 Corral Well and Well #9), together with that diverted at the original point of appropriation (Well #8 Lower Dam), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #8 Lower Dam).*
7. *Under Certificate 94268, the quantity of water diverted at the additional points of appropriation (Well #1 Upper Dam, Well #4 Stock Well, Well #7 Corral Well, and Well #8 Lower Dam Well), together with that diverted at the original point of appropriation (Well #2 Middle Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #2 Middle Well).*
8. *Under Certificate 95088, the quantity of water diverted at the additional points of appropriation (Well #5 Pivot Well and Well #9), together with that diverted at the original points of appropriation (Well #13 Sander Well and Well #15), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well #13 Sander Well and Well #15).*
9. *Water use measurement conditions:*
 - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
10. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

11. The former places of use of the transferred rights shall no longer receive water under the rights.
12. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2027**. 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.
13. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **FEB 01 2022**



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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 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.

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.