



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

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September 22, 2022

VIA CERTIFIED MAIL AND E-MAIL

**OREGON RANCHING CO. (TWIN BUTTES RANCH)
62400 PAULINA HWY
POST, OR 97752**

SUBJECT: Water Right Transfer Application T-13549

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13549. 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.

Please do not hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis

Transfer Specialist

Transfer and Conservation Section

cc: T-13549

Bill D. Nashem, District 24 Watermaster (*via e-mail*)

Hayes McCoy, Agent for the applicant (*via e-mail*)

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

Certificate: 5065 in the name of ISIDOR B MEYER (perfected under Permit S-3972)
Use: IRRIGATION of 33.3 ACRES
Priority Date: JULY 24, 1918
Rate: 0.34 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 in case of rotation.
Source: CROOKED RIVER, tributary of DESCHUTES RIVER

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	22 E	WM	9	NE SW	0.4
17 S	22 E	WM	9	SE SW	10.6
17 S	22 E	WM	9	SW SE	21.1
17 S	22 E	WM	9	SE SE	1.0
17 S	22 E	WM	16	NE NE	0.2
Total					33.3

5. Transfer Application T-13549 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
17 S	22 E	WM	22	NE SE	31.5
17 S	22 E	WM	22	SE NE	1.8
Total					33.3

6. Certificate 5065 does not provide a description of the authorized point of diversion. The applicant submitted information in Transfer Application T-13549, which accurately describes the authorized point of diversion as follows:

Authorized Point of Diversion

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	22 E	WM	22	NE SE	POD A -1700 FEET SOUTH AND 900 FEET EAST FROM THE N1/4 OF SECTION 22

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

Certificate: 80616 in the name of MEYER AND BROWN (confirmed by decree of the Circuit Court of the State of Oregon for Crook County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 1, at Page 449.
Use: LIVESTOCK, DOMESTIC and IRRIGATION of 3.1 ACRES
Priority Date: 1900
Rate: 0.04 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 for each acre irrigated, and shall be further limited to a diversion of not to exceed 4.0 acre-feet per acre for each acre irrigated during the irrigation season of each year (February 1 to December 1).

Period of Use: February 1 to December 1

Source: SOUTH FORK of CROOKED RIVER and CROOKED RIVER, tributaries of the DESCHUTES RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
17 S	22 E	WM			CROOKED RIVER - UNSPECIFIED
17 S	22 E	WM	23	SE NE	760 FEET NORTH AND 160 FEET WEST FROM THE E1/4 CORNER OF SECTION 23

Authorized Place of Use:

LIVESTOCK, DOMESTIC, and IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
17 S	22 E	WM	16	NW NE	3.1	1900

8. Transfer Application T-13549 also proposes to change the place of use of the right to:

LIVESTOCK, DOMESTIC, and IRRIGATION:						
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
17 S	22 E	WM	22	NW SE	2.7	1900
17 S	22 E	WM	22	NE SE	0.4	1900
Total					3.1	

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

9. Water has been used within the last five years.
10. A diversion structure and ditch 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-13549.
11. The proposed changes would not result in enlargement of the rights.
12. The proposed changes would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The changes in places of use proposed in Transfer Application T-13549 appear 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-13549 is approved, the final order will include the following:

1. The changes in places of use proposed in Transfer Application T-13549 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 5065 and 80616 and any related decree.
3. Water right Certificates 5065 and 80616 are cancelled. New certificates will be issued describing the portion of the rights not affected by this transfer.
4. The former place of use of the transferred rights shall no longer receive water under the rights.
5. 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 changes and full beneficial use of the water.
6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

SEP 22 2022



Lisa J. Yaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document, you may reach me by email at arla.l.davis@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.

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.