



Oregon

Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
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October 31, 2022

VIA CERTIFIED MAIL AND E-MAIL

Applicant

DANIEL AND LEANNE MILES
81341 BUICK LANE
SILVER LAKE, OR 97638

SUBJECT: Water Right Transfer Application T-13457

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13457. 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.

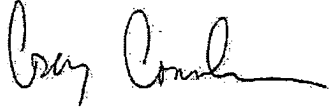
A public notice is being published in the Department's weekly publication and in the Lake County Examiner newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department 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.

Please do not hesitate to contact me, at corey.a.courchane@water.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
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-13457
Jeremy T. Giffin, District 11 Watermaster (*via e-mail*)
Darryl J. Anderson, 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-13457, Lake County |) | PROPOSING APPROVAL OF CHANGES IN |
| |) | POINTS OF APPROPRIATION AND PLACES |
| |) | OF USE AND THE PARTIAL CANCELLATION |
| |) | OF A WATER RIGHT |

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

DANIEL AND LEANNE MILES
81341 BUICK LANE
SILVER LAKE, OR 97638

Findings of Fact

1. On June 9, 2020, DANIEL AND LEANNE MILES filed an application to change the points of appropriation and to change the places of use under Certificates 35750, 48608, 94357, 94359, 94361, 94362, and 94365. The Department assigned the application number T-13457.
2. Notice of the application for transfer was published on June 16, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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.

3. On October 19, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Department's Watermaster review identified, "The applicant is proposing to move 1.53 acres in the SENW and 1.14 acres in the NESW of 27 15 2 for Certificate 94365. Building have been here for over 20 years so I propose we limit transfer to 0.58 acres in the SENW and .35 acres in the NESW." These areas are also not identified on the application map, as required by Oregon Administrative Rule 690-380-3100(2)(i). Therefore, the water use as authorized by Certificate 94365 could not have been beneficially used in the identified areas within the previous 5 years prior to submittal of the application, being May 26, 2015. These areas should be removed from the application, and pursuant to Oregon Revised Statute 540.610, these areas should be cancelled for non-use. The Department requested the submission of a revised Table 2 and map with the identified acres removed, along with an Affidavit for the Partial Cancellation of Water Right Certificate 94365. The Department requested that the deficiency be resolved by November 19, 2021.
4. On December 23, 2021, the applicant's agent requested for additional time to resolve the deficiency. The Department requested that the deficiency be resolved by January 21, 2022.
5. On January 18, 2022, the Department received a revised map and table for Certificate 94365, and an Affidavit for the Voluntary Cancellation of a Portion of Water Right Certificate 94365, resolving the deficiency.
6. On March 2, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13457 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 1, 2022, 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.
7. The portion of the first right to be transferred is as follows:

Certificate: 35750 in the name of THELMA C. HEILMEYER OWSLEY (perfected under Permit G-1092)

Use: IRRIGATION of 10.31 ACRES

Priority Date: NOVEMBER 6, 1958

Rate: 0.13 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 3 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL, a tributary of SILVER LAKE

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 14 | NW NE | (WELL 5) -1130 FEET SOUTH AND 1770 FEET WEST FROM THE NE CORNER OF SECTION 14 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 14 | NE NE | 5.29 |
| 27 S | 15 E | WM | 14 | NW NE | 5.02 |
| Total | | | | | 10.31 |

8. Transfer Application T-13457 proposes to move the authorized point of appropriation approximately 2.1 miles from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 27 S | 16 E | WM | 18 | NW NE | WELL 7 - 1320 FEET NORTH AND 1330 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |

9. Transfer Application T-13457 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 16 E | WM | 18 | SW NE | 10.31 |

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

Certificate: 48608 in the name of THELMA C. RUMSEY (perfected under Permit G-6957)

Use: IRRIGATION of 17.74 ACRES and SUPPLEMENTAL IRRIGATION of 10.31 ACRES

Priority Date: AUGUST 9, 1976

Rate: 0.35 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 3 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL, a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 14 | SE NW | (WELL 6)-540 FEET NORTH AND 2660 FEET WEST FROM THE E1/4 CORNER OF SECTION 14 |

Authorized Place of Use:

| PRIMARY IRRIGATION | | | | | |
|--------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 14 | NW NE | 5.41 |

| PRIMARY IRRIGATION | | | | | |
|--------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 14 | SW NE | 5.72 |
| 27 S | 15 E | WM | 14 | SE NE | 6.61 |
| Total | | | | | 17.74 |

| SUPPLEMENTAL IRRIGATION | | | | | |
|-------------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 14 | NE NE | 5.29 |
| 27 S | 15 E | WM | 14 | NW NE | 5.02 |
| Total | | | | | 10.31 |

11. Transfer Application T-13457 proposes to move the authorized point of appropriation approximately 2.3 miles from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 27 S | 16 E | WM | 18 | NW NE | WELL 7 - 1320 FEET NORTH AND 1330 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |

12. Transfer Application T-13457 also proposes to change the place of use of the right to:

| PRIMARY IRRIGATION | | | | | |
|--------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 16 E | WM | 18 | NE NE | 17.74 |

| SUPPLEMENTAL IRRIGATION | | | | | |
|-------------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 14 | SE NE | 10.31 |

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

Certificate: 94357 in the name of LLOYD L. MILES and REBECCA MILES (perfected under Permit U-317)

Use: IRRIGATION of 2.42 ACRES

Priority Date: JANUARY 5, 1950

Rate: 0.030 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL #3

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 2 | SE SE | WELL #3 -1290.7 FEET NORTH AND 1089.8 FEET WEST FROM THE SE CORNER OF SECTION 2 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 2 | NW SE | 2.42 |

14. Transfer Application T-13457 proposes to move the authorized point of appropriation approximately 2.5 miles from the existing point of appropriation

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 27 S | 16 E | WM | 18 | NW NE | WELL 7 - 1320 FEET NORTH AND 1330 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |

15. Transfer Application T-13457 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 16 E | WM | 18 | SW NE | 2.42 |

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

Certificate: 94359 in the name of LLOYD L. MILES and REBECCA MILES (perfected under Permit G-5999)

Use: IRRIGATION of 24.05 ACRES

Priority Date: FEBRUARY 14, 1974

Rate: 0.30 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL #1, A TRIBUTARY OF FORT ROCK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 2 | NW SW | WELL #1 - 2627.4 FEET NORTH AND 5215.45 FEET WEST FROM THE SE CORNER OF SECTION 2 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 2 | SW SW | 24.05 |

17. Transfer Application T-13457 proposes to move the authorized point of appropriation approximately 3.3 miles from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 27 S | 16 E | WM | 18 | NW NE | WELL 7 - 1320 FEET NORTH AND 1330 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |

18. Transfer Application T-13457 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 16 E | WM | 18 | NE NE | 1.20 |
| 27 S | 16 E | WM | 18 | NW NE | 22.85 |
| Total | | | | | 24.05 |

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

Certificate: 94361 in the name of LLOYD L. MILES and REBECCA (perfected under Permit U-695)

Use: IRRIGATION of 8.46 ACRES

Priority Date: JANUARY 17, 1955

Rate: 0.11 CUBIC FOOT PER SECOND (CFS), BEING 0.05 CFS FROM WELL #1 FOR 3.81 ACRES AND 0.06 CFS FROM WELL #2 FOR 4.65 ACRES

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 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.

Source: WELLS #1 AND #2 IN THE SILVER CREEK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 2 | NW SW | WELL #1 - 2627.4 FEET NORTH AND 5215.45 FEET WEST FROM THE SE CORNER OF SECTION 2 |
| 27 S | 15 E | WM | 2 | SE SW | WELL #2 - 187.26 FEET NORTH AND 3509.58 FEET WEST FROM THE SE CORNER OF SECTION 2 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 15 E | WM | 2 | SW SW | 3.46 |
| 27 S | 15 E | WM | 2 | SE SW | 3.81 |
| 27 S | 15 E | WM | 2 | SE SW | 1.19 |
| Total | | | | | 8.46 |

20. Transfer Application T-13457 proposes to move the authorized points of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 27 S | 16 E | WM | 18 | NW NE | WELL 7 - 1320 FEET NORTH AND 1330 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |

21. Transfer Application T-13457 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 16 E | WM | 18 | SW NE | 8.46 |

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

Certificate: 94362 in the name of LLOYD L. MILES and REBECCA MILES (perfected under Permit G-385)
Use: PRIMARY IRRIGATION OF 16.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 1.42 ACRES
Priority Date: APRIL 10, 1956
Rate: 0.23 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 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.
Source: WELL #1 IN THE SILVER CREEK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 2 | NW SW | WELL #1 - 2627.4 FEET NORTH AND 5215.45 FEET WEST FROM THE SE CORNER OF SECTION 2 |

Authorized Place of Use:

| PRIMARY IRRIGATION | | | | | | |
|--------------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 27 S | 15 E | WM | 2 | NW NW | 4 | 16.80 |

| SUPPLEMENTAL IRRIGATION | | | | | | |
|-------------------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 27 S | 15 E | WM | 2 | NW NW | 4 | 1.42 |

23. Transfer Application T-13457 proposes to move the authorized point of appropriation approximately 3.3 miles from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 27 S | 16 E | WM | 18 | NW NE | WELL 7 - 1320 FEET NORTH AND 1330 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |

24. Transfer Application T-13457 also proposes to change the place of use of the right to:

| PRIMARY IRRIGATION | | | | | | |
|--------------------|------|-----|-----|-------|-------|------|
| Twp | Rng | Mer | Sec | Q-Q | Acres | Well |
| 27 S | 16 E | WM | 18 | NE NE | 2.06 | 7 |
| 27 S | 16 E | WM | 18 | SE NE | 14.74 | 7 |
| TOTAL | | | | | 16.80 | |

| SUPPLEMENTAL IRRIGATION | | | | | | | |
|-------------------------|------|-----|-----|-------|------|-------|------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres | Well |
| 27 S | 15 E | WM | 2 | NW NW | 4 | 1.42 | #1 |

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

Certificate: 94365 in the names of LLOYD L. MILES, REBECCA MILES (perfected under Permit G-1241)

Use: IRRIGATION of 9.52 ACRES

Priority Date: FEBRUARY 6, 1959

Rate: 0.09 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 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.

Source: WELL #1 IN THE SILVER CREEK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 2 | NW SW | WELL #1 - 2627.4 FEET NORTH AND 5215.45 FEET WEST FROM THE SE CORNER OF SECTION 2 |

Authorized Place of Use:

| IRRIGATION | | | | | | |
|------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 27 S | 15 E | WM | 2 | NE NW | 3 | 7.17 |
| 27 S | 15 E | WM | 2 | NW NW | 4 | 1.42 |
| 27 S | 15 E | WM | 2 | SE NW | | 0.58 |
| 27 S | 15 E | WM | 2 | NE SW | | 0.35 |
| Total | | | | | | 9.52 |

26. Transfer Application T-13457 proposes to move the authorized point of appropriation approximately 3.3 miles from the existing point of appropriation to:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|--|
| 27 S | 16 E | WM | 18 | NW NE | WELL 7 - 1320 FEET NORTH AND 1330 FEET WEST FROM THE E1/4 CORNER OF SECTION 18 |

27. Transfer Application T-13457 also proposes to change the place of use of the right to:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 27 S | 16 E | WM | 18 | SW NE | 2.65 |
| 27 S | 16 E | WM | 18 | SE NE | 6.87 |
| Total | | | | | 9.52 |

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-13457.
- 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.

Partial Cancellation of a Water Right

- 33. On January 18, 2022, an affidavit certifying that a portion of a water right has been abandoned and requesting cancellation of the right was received from Daniel and Leanne Miles. The right to be cancelled is as follows:

Certificate: 94365 in the names of LLOYD L. MILES, REBECCA MILES (perfected under Permit G-1241)

Use: IRRIGATION of 1.74 ACRES

Priority Date: FEBRUARY 6, 1959

Rate: 0.02 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 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.

Source: WELL #1 in the SILVER CREEK BASIN

Authorized Point of Appropriation:

| Twp | Rng | Mer | Sec | Q - Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 27 S | 15 E | WM | 2 | NW SW | WELL #1 - 2627.4 FEET NORTH AND 5215.45 FEET WEST FROM THE SE CORNER OF SECTION 2 |

Authorized Place of Use:

| IRRIGATION | | | | | |
|------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q - Q | Acres |
| 27 S | 15 E | WM | 2 | SE NW | 0.95 |
| 27 S | 15 E | WM | 2 | NE SW | 0.79 |
| Total | | | | | 1.74 |

Determination and Proposed Action

The changes in points of appropriation and changes in places of use proposed in Transfer Application T-13457 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned portion of Certificate 94365 should be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved and the abandoned right will be cancelled.

If Transfer Application T-13457 is approved, the final order will include the following:

- 1. The changes in points of appropriation and changes in places of use proposed in Transfer Application T-13457 are approved. The portion of Certificate 94365 that has been abandoned is cancelled.*
- 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 35750, 48608, 94357, 94359, 94361, 94362, 94365, and any related decree.*
- 3. Water right Certificates 35750, 48608, 94357, 94359, 94361, 94362, and 94365 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. The quantity of water, as authorized by Certificate 35750, diverted at the new point of appropriation (Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 5).*
- 5. The quantity of water, as authorized by Certificate 48608, diverted at the new point of appropriation (Well 6), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 7).*
- 6. The quantity of water, as authorized by Certificate 94357, diverted at the new point of appropriation (Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #3).*
- 7. The quantity of water, as authorized by Certificate 94361, diverted at the new point of appropriation (Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1 and #2).*
- 8. The quantity of water, as authorized by Certificates 94359, 94362, and 94365, diverted at the new point of appropriation (Well 7), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).*
- 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 points 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, 2024**. 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

OCT 31 2022


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING 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@water.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.