



Oregon

Tina Kotek, Governor

Water Resources Department

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January 11, 2023

VIA CERTIFIED MAIL AND E-MAIL

HOELLRICH REV TRUST
100 FERRY ROAD
GRANTS PASS, OR 97526

SUBJECT: Water Right Transfer Application T-13634

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13634. 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 503-986-0892 or Joan.M.Smith@water.oregon.gov

if I may be of assistance.

Sincerely,

Julie Barb for *Joan Smith*

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application T-13634
Scott C. Ceciliani, District 14 Watermaster (via e-mail)
Clay Jordan, CWRE # 431(via e-mail)

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Optional Mission Statement Here

Optional Form Number

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13634, Josephine County)	PROPOSING APPROVAL OF A CHANGE IN
)	POINT 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

HOELLRICH REV TRUST
100 FERRY ROAD
GRANTS PASS, OR 97526

Findings of Fact

1. On March 1, 2021, HOELLRICH REV TRUST filed an application to change the point of appropriation use under Certificate 60418. The Department assigned the application number T-13634.
2. Notice of the application for transfer was published on March 23, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 28, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T- 13634 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of October 28, 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.
4. The portion of the right to be transferred is as follows:
Certificate: 60418 in the name of ROBERT G. AND SUSAN HOELLRICH, WILLIAM E. AND MARY C. GEORGE (perfected under Permit G-6479)
Use: IRRIGATION of 80.8 ACRES

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.

Priority Date: JUNE 4, 1975

Rate: 1.01 CUBIC FEET PER SECOND (CFS), BEING; 0.75 CFS FROM THE DRILLED WELL AND 0.26 CFS FROM THE SUMP 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A DRILLED WELL AND A SUMP WELL in the ROGUE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
35 S	7 W	WM	36	NW SW	39	SUMP - 2500 FEET NORTH AND 1160 FEET EAST FROM THE SW CORNER OF SECTION 36
35 S	7 W	WM	36	NW SW	39	WELL - 1720 FEET NORTH AND 1070 FEET EAST FROM THE SW CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
35 S	7 W	WM	36	SW NE	39	2.5
35 S	7 W	WM	36	SW NW	39	3.0
35 S	7 W	WM	36	SE NW	39	12.0
35 S	7 W	WM	36	NE SW	39	38.0
35 S	7 W	WM	36	NW SW	39	13.0
35 S	7 W	WM	36	SE SW	39	6.0
35 S	7 W	WM	36	NW SE	39	6.3
Total						80.8

5. Transfer Application T-13634 proposes a change in points of appropriation with approximate distances in feet from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance in feet from existing points	
							SUMP	WELL
35 S	7 W	WM	36	SE NW	39	POA #4 - 1500 FEET SOUTH AND 55 FEET EAST FROM THE NW CORNER OF DLC 39	1045.0	466.0
35 S	7 W	WM	36	SE NW	39	POA #5 - 130 FEET SOUTH AND 680 FEET EAST FROM THE NW CORNER OF DLC 39	480.0	1182.0
35 S	7 W	WM	36	NW SW	39	POA #3 - 1290 FEET SOUTH AND 405 FEET EAST FROM THE NW CORNER OF DLC 39	784.0	162.0

Transfer Review Criteria (OAR 690-380-4010)

6. 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.
7. A pump, pipeline, and sprinkler system 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-13634.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.
10. All other application requirements are met.

Determination and Proposed Action

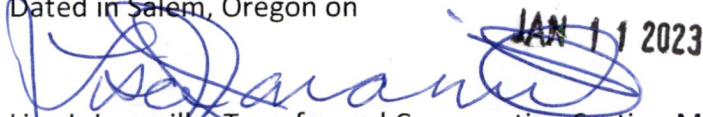
The change in point of appropriation proposed in Transfer Application T-13634 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-13634 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in Transfer Application T-13634 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 Certificate 60418 and any related decree.*
3. *Water right Certificate 60418 is cancelled.*
4. *The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *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 new point of appropriation.*
 - 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.*

6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *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 change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on



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

This Preliminary Determination was prepared by Joan Smith. If you have questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.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.

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.