



Oregon

Tina Kotek, Governor

Water Resources Department

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February 28, 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicant

JUSTIN R. AND JAYNA L. FERRELL
29261 ABERT RIM RD.
LAKEVIEW, OR 97630

SUBJECT: Water Right Transfer Application T-13808

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13808. 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 contact me at scott.a.grew@water.oregon.gov or 503-986-0890 if I may be of assistance.

Sincerely,

Scott Grew

Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-13808
Matt A. Anderson, District 12 Watermaster (*via e-mail*)
Hollie Cannon, Agent for the applicant (*via e-mail*)

encs

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

Certificate: 46978 in the name of JACK & VIRGINIA BRIDGMAN (perfected under Permit G-6240)

Use: IRRIGATION of 82.62 ACRES

Priority Date: OCTOBER 16, 1974

Rate: 0.8 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: BRIDGMAN WELL, a tributary of THOMAS CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	19 E	WM	25	NW NE	630 FEET SOUTH AND 1260 FEET EAST FROM THE N1/4 CORNER OF SECTION 15

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	19 E	WM	24	NE SE	7.55
38 S	19 E	WM	24	NW SE	10.78
38 S	19 E	WM	24	SW SE	12.53
38 S	19 E	WM	24	SE SE	9.17
38 S	19 E	WM	25	NE NE	5.83
38 S	19 E	WM	25	NW NE	5.57
38 S	19 E	WM	25	SW NE	10.77
38 S	19 E	WM	25	SE NE	11.02
38 S	19 E	WM	25	NW SE	9.40
Total					82.62

6. Transfer Application T-13808 proposes to move the authorized point of appropriation approximately 1.4 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	20 E	WM	31	SW NW	2532.5 FEET SOUTH AND 111.0 FEET EAST FROM THE NW CORNER OF SECTION 31

7. Transfer Application T-13808 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	20 E	WM	31	SW NW	7.69
38 S	20 E	WM	31	SE NW	0.67
38 S	20 E	WM	31	NE SW	2.84
38 S	20 E	WM	31	NW SW	35.57
38 S	20 E	WM	31	SW SW	33.16
38 S	20 E	WM	31	SE SW	2.69
				Total	82.62

8. The proposed place of use has existing surface water irrigation rights, as described in inchoate transfer T-9170.

Transfer Review Criteria (OAR 690-380-4010)

9. Evidence was submitted with the application indicating that water has been used within the last five years according to the terms and conditions of the right. The information in the record is not sufficient to initiate cancellation proceedings under ORS 540.631.
10. 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-13808.
11. The proposed change would result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The change in point of appropriation and change in place of use proposed in Transfer Application T-13808 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-13808 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-13808 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 46978 and any related decree.*

3. *Water right Certificate 46978 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and cancellation.*
4. *The quantity of water diverted at the new point of appropriation (Well #2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Bridgeman Well).*
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 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. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *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.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **FEB 28 2023**


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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at scott.a.grew@water.oregon.gov or 503-986-0890.

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.