



Oregon

Tina Kotek, Governor

Water Resources Department

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July 6, 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicant

CAL HOLDINGS, LLC
C/O AMBROSE CALCAGNO
PO BOX 796
OREGON CITY, OR 97045

SUBJECT: Water Right Transfer Application T-13875

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13875. 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 East Oregonian 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 blue 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 T-13875
Kenneth C. Thiemann, District 21 Watermaster (*via e-mail*)
William Porfily, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13875, Morrow County)	PROPOSING APPROVAL OF ADDITIONAL
)	POINTS OF APPROPRIATION, AND
)	CHANGES IN POINTS OF DIVERSION AND
)	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

CAL HOLDINGS, LLC
C/O AMBROSE CALCAGNO
PO BOX 796
OREGON CITY, OR 97045

Findings of Fact

1. On December 9, 2021, CAL HOLDINGS, LLC, C/O AMBROSE CALCAGNO filed an application to change the points of diversion and places of use under Certificates 76075, 76582, 87962, 87966, 87967, and 87968, and for additional points of appropriation and to change the places of use under Certificates 87963, 87964, 87965, and 87969. The Department assigned the application number T-13875.
2. Notice of the application for transfer was published on December 28, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On April 28, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13875 to the applicant. The Department determined that proposed point of appropriation (POA) Cheney Well #1 (MORR 495) does not develop the same source as the authorized POAs under Certificates 87963 and 87965.

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 the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later of this preliminary determination.

The draft Preliminary Determination cover letter set forth a deadline of May 30, 2023, for the applicant to respond.

4. On May 15, 2023, the applicant’s agent notified the Department that proposed POA Cheney Well #1 (MORR 495) would be removed from the application.
5. On May 30, 2023, the applicant 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. The first right to be transferred is as follows:

Certificate: 76075 in the name of DIAMOND PROPERTIES INVESTMENT COMPANY, LLC (confirmed by WILLOW CREEK, GILLIAM & MORROW COUNTIES (F) Decrees)

Use: IRRIGATION of 89.0 ACRES AND DOMESTIC (STOCK USE)

Priority Date: 1884 for DOMESTIC (STOCK USE); 1892 for IRRIGATION of 50.27 ACRES; AND 1906 for IRRIGATION of 38.73 ACRES

Rate: 0.84 CUBIC FOOT PER SECOND (CFS) WITH PRIORITY DATE OF 1892, AND 0.65 CFS WITH PRIORITY DATE OF 1906

Source: WILLOW CREEK, a tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	7	NE NE	POD 1 - 950 FEET SOUTH AND 550 FEET WEST FROM THE NE CORNER OF SECTION 7
2 N	23 E	WM	7	SE NE	POD 2 - 2335 FEET SOUTH AND 175 FEET WEST FROM THE NE CORNER OF SECTION 7
2 N	23 E	WM	7	NE SE	POD 3 - 3605 FEET SOUTH AND 415 FEET WEST FROM THE NE CORNER OF SECTION 7

Authorized Place of Use:

1892 - IRRIGATION AND 1884 - DOMESTIC (STOCK USE)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	SE NE	2.27
2 N	23 E	WM	7	NE SE	16.50
2 N	23 E	WM	7	SE SE	4.50
2 N	23 E	WM	8	NW SW	22.00
2 N	23 E	WM	8	SW SW	5.00
Total					50.27

1906 - IRRIGATION AND 1884 - DOMESTIC (STOCK USE)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	NE NE	20.50
2 N	23 E	WM	7	SE NE	18.23
Total					38.73

7. Transfer Application T-13875 proposes to move the authorized points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of diversion in feet (ft.) or miles (mi.)		
						POD 1	POD 2	POD 3
2 N	23 E	WM	7	NE NE	N. POD - 1180 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 7	308 ft. upstream	1372 ft. downstream	3102 ft. downstream
2 N	23 E	WM	20	SE NE	EWING DITCH POD - 1520 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 20	2.8 mi. upstream	2.5 mi. upstream	2.2 mi. upstream

8. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION – 1892 AND 1884 – DOMESTIC (STOCK USE)						
Twp	Rng	Mer	Sec	Q-Q	Acres	
2 N	23 E	WM	7	SE SE	1.10	
2 N	23 E	WM	8	NE SW	0.67	
2 N	23 E	WM	8	NW SW	6.50	
2 N	23 E	WM	8	SW SW	31.60	
2 N	23 E	WM	8	SE SW	10.40	
Total					50.27	

IRRIGATION – 1906 AND 1884 – DOMESTIC (STOCK USE)						
Twp	Rng	Mer	Sec	Q-Q	Acres	
2 N	23 E	WM	7	NE NE	12.00	
2 N	23 E	WM	7	SE NE	11.60	
2 N	23 E	WM	7	NE SE	0.90	
2 N	23 E	WM	8	SW NW	2.50	
2 N	23 E	WM	8	NE SW	1.30	
2 N	23 E	WM	8	NW SW	0.20	
2 N	23 E	WM	8	SE SW	10.23	
Total					38.73	

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

Certificate: 76582 in the name of DAVID CHENEY (confirmed by WILLOW CREEK, GILLIAM & MORROW COUNTIES (F) Decrees)

Use: IRRIGATION OF 31.5 ACRES

Priority Date: 1903

Rate: 0.53 CUBIC FOOT PER SECOND

Source: WILLOW CREEK, a tributary of COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	20	SE NE	POD - 1756 FEET SOUTH AND 1115 FEET WEST FROM THE NE CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	20	SE NE	25.5
2 N	23 E	WM	20	NE SE	6.0
Total					31.5

10. Transfer Application T-13875 proposes to move the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of diversion in feet (ft.) or miles (mi.)
2 N	23 E	WM	7	NE NE	N. POD - 1180 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 7	2.8 mi. downstream
2 N	23 E	WM	20	SE NE	EWING DITCH - 1520 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 20	402 ft. downstream

11. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	17	SW SW	7.49
2 N	23 E	WM	19	SW NE	12.21
2 N	23 E	WM	20	NW NW	11.80
Total					31.50

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

Certificate: 87962 in the name of DAVID CHENEY (confirmed by WILLOW CREEK, GILLIAM & MORROW COUNTIES (F) Decrees)

Use: IRRIGATION of 28.7 ACRES and DOMESTIC (STOCK) USE

Priority Date: 1897

Rate: 0.48 CUBIC FOOT PER SECOND, if available at the original point of diversion; NE1/4 NE1/4, Section 20, T2N, R23E, W.M. (Ewing Ditch)

Source: WILLOW CREEK, a tributary to the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	7	NE NE	POD - 930 FEET SOUTH AND 470 FEET WEST FROM THE NE CORNER OF SECTION 7
2 N	23 E	WM	20	NE NE	EWING DITCH

Authorized Place of Use:

IRRIGATION AND DOMESTIC (STOCK) USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	8	SE SW	28.7

13. The Department received information from the applicant that better describes the location of the authorized point of diversion for Ewing Ditch under Certificate 87962 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	20	SE NE	EWING DITCH POD - 1520 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 20

14. Transfer Application T-13875 proposes to move the authorized point of diversion located in NE NE of Section 7 approximately 320 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	7	NE NE	N. POD - 1180 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 7

15. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION AND DOMESTIC (STOCK) USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	NE SE	8.8
2 N	23 E	WM	7	SE SE	1.2
2 N	23 E	WM	8	NW SW	18.4
2 N	23 E	WM	8	SW SW	0.3
Total					28.7

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

Certificate: 87963 in the name of WILLOW FARMS, LLC, C/O MARK ZOLLER (perfected under Permit G-4050)

Use: SUPPLEMENTAL IRRIGATION of 201.2 ACRES

Priority Date: MARCH 27, 1968

Rate: 2.52 CUBIC FEET PER SECOND (CFS); BEING 0.88 FROM CHENEY WELL #2 AND 2.52 CFS FROM NEW WELL IN ANY COMBINATION, IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION (CHENEY WELL #2)

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

Source: TWO WELLS within the WILLOW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	17	SE NE	CHENEY WELL #2 (ORIGINAL WELL) - 170 FEET NORTH AND 2370 FEET EAST FROM THE C1/4 CORNER OF SECTION 17
2 N	23 E	WM	20	SE NE	NEW WELL - 1330 FEET NORTH AND 1470 FEET EAST FROM THE C1/4 CORNER OF SECTION 20

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	SE SE	1.0
2 N	23 E	WM	8	SW SW	25.6
2 N	23 E	WM	8	SE SW	26.7
2 N	23 E	WM	17	NE NE	5.6
2 N	23 E	WM	17	NW NE	28.8
2 N	23 E	WM	17	SW NE	32.5
2 N	23 E	WM	17	SE NE	23.6
2 N	23 E	WM	17	NE NW	34.7
2 N	23 E	WM	17	NW NW	9.5
2 N	23 E	WM	17	SE NW	13.2
Total					201.2

17. The Department received information from the applicant that better describes the location of the authorized point of appropriation for New Well under Certificate 87963 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	20	SE NE	NEW WELL - 1530 FEET SOUTH AND 930 FEET WEST FROM THE NE CORNER OF SECTION 20

18. Transfer Application T-13875 proposes an additional point of appropriation, approximately 0.8 mile from the original point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	17	SE NE	NEW WELL #2 - 170 FEET NORTH AND 2350 FEET EAST FROM THE CENTER OF SECTION 17

19. Transfer Application T-13875 also proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	NE SE	8.80
2 N	23 E	WM	7	SE SE	1.20
2 N	23 E	WM	8	NE SW	1.30
2 N	23 E	WM	8	NW SW	18.60
2 N	23 E	WM	8	SW SW	0.30
2 N	23 E	WM	8	SE SW	16.63
2 N	23 E	WM	8	SW SE	1.90
2 N	23 E	WM	17	NE NE	5.20
2 N	23 E	WM	17	NW NE	30.30
2 N	23 E	WM	17	SW NE	30.30
2 N	23 E	WM	17	SE NE	26.80
2 N	23 E	WM	17	NE NW	33.40
2 N	23 E	WM	17	NW NW	7.50
2 N	23 E	WM	17	SE NW	9.50
2 N	23 E	WM	17	NE SE	6.87
2 N	23 E	WM	17	NW SE	2.60
Total					201.2

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

Certificate: 87964 in the name of WILLOW FARMS, LLC, C/O MARK ZOLLER (perfected under Permit G-10135)

Use: IRRIGATION of 26.0 ACRES and SUPPLEMENTAL IRRIGATION of 294.9 ACRES

Priority Date: APRIL 4, 1983

Rate: 839.3 GALLONS PER MINUTE (GPM), BEING 268.6 GPM FROM CHENEY WELL #2, AND 780.5 GPM FROM NEW WELL, IN ANY COMBINATION, if available at the original point of appropriation (CHENEY WELL #2)

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 per acre, 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: TWO WELLS within the WILLOW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	17	SE NE	CHENEY WELL #2 - 170 FEET NORTH AND 2370 FEET EAST FROM THE C1/4 CORNER OF SECTION 17
2 N	23 E	WM	20	SE NE	NEW WELL - 1330 FEET NORTH AND 1470 FEET EAST FROM THE C1/4 CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	SE SW	0.6
2 N	23 E	WM	8	NE SW	3.1
2 N	23 E	WM	8	NW SW	6.5
2 N	23 E	WM	8	SW SE	2.1
2 N	23 E	WM	17	NE NW	1.9
2 N	23 E	WM	17	SE NW	2.8
2 N	23 E	WM	18	NE NW	5.5
2 N	23 E	WM	18	SE NW	3.5
Total					26.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	NE NE	20.5
2 N	23 E	WM	7	SE NE	20.5
2 N	23 E	WM	7	NE SE	15.9
2 N	23 E	WM	7	SE SE	4.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	8	NW SW	22.0
2 N	23 E	WM	8	SW SW	36.0
2 N	23 E	WM	8	SE SW	28.7
2 N	23 E	WM	17	NE NE	3.9
2 N	23 E	WM	17	NW NE	27.2
2 N	23 E	WM	17	SW NE	34.4
2 N	23 E	WM	17	SE NE	22.8
2 N	23 E	WM	17	NE NW	34.7
2 N	23 E	WM	17	NW NW	9.8
2 N	23 E	WM	17	SE NW	14.0
Total					294.9

21. The Department received information from the applicant that better describes the location of the authorized point of appropriation for New Well under Certificate 87964 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	20	SE NE	NEW WELL - 1530 FEET SOUTH AND 930 FEET WEST FROM THE NE CORNER OF SECTION 20

22. Transfer Application T-13875 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of appropriation in feet (ft.) or miles (mi.)	
2 N	23 E	WM	17	SE NE	NEW WELL #2 - 170 FEET NORTH AND 2350 FEET EAST FROM THE CENTER OF SECTION 17	CHENEY WELL #2	NEW WELL
						19.6 ft.	0.8 mi.

23. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	18	NE SW	8.3
2 N	23 E	WM	18	SE SW	1.0
2 N	23 E	WM	18	NE SE	10.6
2 N	23 E	WM	18	NW SE	3.3
2 N	23 E	WM	18	SW SE	0.2
2 N	23 E	WM	18	SE SE	2.6
Total					26.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	NE NE	12.00
2 N	23 E	WM	7	SE NE	11.60
2 N	23 E	WM	7	NE SE	9.70
2 N	23 E	WM	7	SE SE	2.30
2 N	23 E	WM	8	SW NW	2.50

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	8	NE SW	1.97
2 N	23 E	WM	8	NW SW	25.10
2 N	23 E	WM	8	SW SW	31.90
2 N	23 E	WM	8	SE SW	26.53
2 N	23 E	WM	8	SW SE	1.90
2 N	23 E	WM	17	NE NE	5.20
2 N	23 E	WM	17	NW NE	30.30
2 N	23 E	WM	17	SW NE	33.60
2 N	23 E	WM	17	SE NE	26.80
2 N	23 E	WM	17	NE NW	33.40
2 N	23 E	WM	17	NW NW	7.50
2 N	23 E	WM	17	SE NW	9.50
2 N	23 E	WM	17	NE SE	15.50
2 N	23 E	WM	17	NW SE	7.60
Total					294.9

24. The sixth right to be transferred is as follows:

- Certificate:** 87965 in the name of WILLOW FARMS, LLC, C/O MARK ZOLLER (perfected under Permit G-4021)
- Use:** IRRIGATION of 13.6 ACRES and SUPPLEMENTAL IRRIGATION of 124.1 ACRES
- Priority Date:** MARCH 8, 1968
- Rate:** 1.50 CUBIC FEET PER SECOND (CFS); BEING 0.99 CFS from CHENEY WELL #2 AND 1.50 CFS from NEW WELL IN ANY COMBINATION FROM THE WELLS, if available at the original point of appropriation, HYND WELL #2, LOCATED IN THE NE1/4 NE1/4, SECTION 20, T2N, R23E, WM; 3950 FEET SOUTH AND 4920 FEET EAST FROM THE W1/4 CORNER, SECTION 17
- 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
- Source:** TWO WELLS within the WILLOW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	17	SE NE	CHENEY WELL #2 - 170 FEET NORTH AND 2370 FEET EAST FROM THE C1/4 CORNER OF SECTION 17
2 N	23 E	WM	20	SE NE	NEW WELL - 1330 FEET NORTH AND 1470 FEET EAST FROM THE C1/4 CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	17	SW SE	1.0
2 N	23 E	WM	20	NW NE	7.8
2 N	23 E	WM	21	SW NW	4.8
Total					13.6

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	16	SW SW	0.7
2 N	23 E	WM	17	SW SE	1.3
2 N	23 E	WM	17	SE SE	14.9
2 N	23 E	WM	20	NE NE	40.0
2 N	23 E	WM	20	NW NE	14.0
2 N	23 E	WM	20	SE NE	24.3
2 N	23 E	WM	20	NE SE	6.0
2 N	23 E	WM	21	NW NW	5.9
2 N	23 E	WM	21	SW NW	4.7
2 N	23 E	WM	21	NW SW	12.3
Total					124.1

25. The Department received information from the applicant that better describes the location of the authorized point of appropriation for New Well under Certificate 87965 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	20	SE NE	NEW WELL - 1530 FEET SOUTH AND 930 FEET WEST FROM THE NE CORNER OF SECTION 20

26. Transfer Application T-13875 proposes an additional point of appropriation, approximately 0.8 mile from the original point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	17	SE NE	NEW WELL #2 - 170 FEET NORTH AND 2350 FEET EAST FROM THE CENTER OF SECTION 17

27. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	18	NE SW	1.2
2 N	23 E	WM	18	NW SE	0.3
2 N	23 E	WM	19	NW NE	3.5
2 N	23 E	WM	19	SW NE	0.3
2 N	23 E	WM	19	NE NW	8.1
2 N	23 E	WM	19	SE NW	0.2
Total					13.6

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	16	SW SW	2.2
2 N	23 E	WM	17	SW SW	13.9
2 N	23 E	WM	17	NW SE	8.1
2 N	23 E	WM	17	SW SE	2.0
2 N	23 E	WM	17	SE SE	16.8
2 N	23 E	WM	20	NE NE	26.1
2 N	23 E	WM	20	NW NE	20.8
2 N	23 E	WM	20	SE NE	3.4
2 N	23 E	WM	20	NW NW	12.6
2 N	23 E	WM	20	NE SE	0.3
2 N	23 E	WM	21	NW NW	6.9
2 N	23 E	WM	21	SW NW	1.0
2 N	23 E	WM	21	NW SW	10.0
Total					124.1

28. The seventh right to be transferred is as follows:

- Certificate:** 87966 in the name of DIAMOND PROPERTIES INVESTMENT COMPANY, LLC (confirmed by WILLOW CREEK, GILLIAM & MORROW COUNTIES (F) Decrees)
- Use:** IRRIGATION of 134.4 ACRES, and DOMESTIC (STOCK) USE
- Priority Date:** 1884 for DOMESTIC (STOCK) USE, 1892 for IRRIGATION of 77.93 ACRES, and 1906 for IRRIGATION of 56.47 ACRES
- Rate:** 1.30 CUBIC FEET PER SECOND (CFS) with priority of 1892 and 0.94 CFS with priority of 1906, if available at the original points of diversion: EWING, HIGHLINE, DESERTLAND, KIRTZLER, UNDERGROUND and MURPHY DITCHES, or its equivalent in case of rotation, measured at the points of diversion from the source
- Source:** WILLOW CREEK, a tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	7	NE NE	POD 1 - 930 FEET SOUTH AND 470 FEET WEST FROM THE NE CORNER OF SECTION 7
2 N	23 E	WM	7	NE SE	POD 2 - 2920 FEET SOUTH AND 560 FEET WEST FROM THE NE CORNER OF SECTION 7
2 N	23 E	WM	17	SW NE	POD 3 - 2600 FEET SOUTH AND 1980 FEET WEST FROM THE NE CORNER OF SECTION 17
2 N	23 E	WM	20	NE NE	POD 4 - 1160 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 20
2 N	23 E	WM	29	NE SE	HIGH LINE DITCH - 3800 FEET SOUTH AND 40 FEET WEST FROM THE NE CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION – PRIORITY DATE 1892 AND DOMESTIC (STOCK) USE – 1884					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	8	SW SW	4.50
2 N	23 E	WM	17	SW NE	20.18
2 N	23 E	WM	17	SE NE	4.55
2 N	23 E	WM	17	NE NW	34.70
2 N	23 E	WM	17	SE NW	14.00
Total					77.93

IRRIGATION – PRIORITY DATE 1906 AND DOMESTIC (STOCK) USE – 1884					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	17	NE NE	6.50
2 N	23 E	WM	17	NW NE	32.70
2 N	23 E	WM	17	SW NE	6.32
2 N	23 E	WM	17	SE NE	10.95
Total					56.47

29. Transfer Application T-13875 proposes to move the authorized points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	7	NE NE	N. POD - 1180 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 7
2 N	23 E	WM	20	SE NE	EWING DITCH - 1520 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 20

Approximate distance from original points of diversion in feet (ft.) or miles (mi.)					
POD	POD 1	POD 2	POD 3	POD 4	HIGH LINE DITCH
N. POD	344 ft. upstream	0.4 mi. downstream	1.9 mi. downstream	2.8 mi. downstream	4.3 mi. downstream
EWING DITCH	2.8 mi. upstream	2.3 mi. upstream	0.9 mi. upstream	456 ft. upstream	1.6 mi. downstream

30. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION – PRIORITY DATE 1892 AND DOMESTIC (STOCK) USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	17	NE NE	5.20
2 N	23 E	WM	17	SE NE	25.21
2 N	23 E	WM	17	NE SE	29.22
2 N	23 E	WM	17	NW SE	10.50
2 N	23 E	WM	17	SW SE	1.00
2 N	23 E	WM	19	SE SE	6.80
Total					77.93

IRRIGATION – PRIORITY DATE 1906 and DOMESTIC (STOCK) USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	17	NW NE	6.80
2 N	23 E	WM	17	SW NE	30.10
2 N	23 E	WM	17	SE NE	1.79
2 N	23 E	WM	17	NE NW	8.48
2 N	23 E	WM	17	SE NW	9.30
Total					56.47

31. The eighth right to be transferred is as follows:

Certificate: 87967 in the name of DAVID CHENEY (confirmed by WILLOW CREEK, GILLIAM & MORROW COUNTIES (F) Decrees)

Use: IRRIGATION of 180.79 ACRES

Priority Date: 1894

Rate: 3.01 CUBIC FEET PER SECOND

Source: WILLOW CREEK, a tributary of the COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	20	SE NE	S. POD - 1756 FEET SOUTH AND 1115 FEET WEST FROM THE NE CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	16	NW SW	1.24
2 N	23 E	WM	16	SW SW	1.08
2 N	23 E	WM	17	NE SE	35.34
2 N	23 E	WM	17	NW SE	19.30
2 N	23 E	WM	17	SW SE	16.16
2 N	23 E	WM	17	SE SE	34.02
2 N	23 E	WM	20	NE NE	39.56
2 N	23 E	WM	20	NW NE	11.66
2 N	23 E	WM	21	NW NW	5.03
2 N	23 E	WM	21	SW NW	4.70
2 N	23 E	WM	21	NW SW	12.70
Total					180.79

32. Transfer Application T-13875 proposes to move the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of diversion in feet (ft.) or miles (mi.)
2 N	23 E	WM	7	NE NE	N. POD - 1180 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 7	2.8 mi. downstream
2 N	23 E	WM	20	SE NE	EWING DITCH - 1520 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 20	398 ft. downstream

33. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	16	SW SW	2.20
2 N	23 E	WM	17	SW NE	3.30
2 N	23 E	WM	17	SW SW	6.21
2 N	23 E	WM	17	NE SE	3.48
2 N	23 E	WM	17	NW SE	14.90
2 N	23 E	WM	17	SW SE	19.00
2 N	23 E	WM	17	SE SE	16.30
2 N	23 E	WM	19	SE NE	19.40
2 N	23 E	WM	20	NE NE	25.70
2 N	23 E	WM	20	NW NE	18.70
2 N	23 E	WM	20	SE NE	17.80
2 N	23 E	WM	20	NE SE	6.30
2 N	23 E	WM	21	NW NW	6.70
2 N	23 E	WM	21	SW NW	11.30
2 N	23 E	WM	21	NW SW	9.50
Total					180.79

34. The ninth right to be transferred is as follows:

Certificate: 87968 in the name of DAVE CHENEY (confirmed by WILLOW CREEK, GILLIAM & MORROW COUNTIES (F) Decrees)

Use: DOMESTIC (STOCK) USE and IRRIGATION of 63.92 ACRES

Priority Date: 1875 for DOMESTIC USE and 1892 for IRRIGATION

Rate: 1.07 CUBIC FEET PER SECOND as of date 1892, if available at the original points of diversion; NE1/4 NE1/4, Section 20, (Ewing Ditch), 1160 feet South and 1000 feet West from the NE Corner of Section 20; NE1/4 SE1/4, Section 29, (Highline Ditch), 3800 feet South and 40 feet West from the NE Corner of Section 29, T2N, R23E, WM

Source: WILLOW CREEK, a tributary of the COLUMBIA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	7	NE NE	ADDITIONAL POINT OF DIVERSION - 930 FEET SOUTH AND 470 FEET WEST FROM THE NE CORNER OF SECTION 7
2 N	23 E	WM	20	NE NE	EWING DITCH - 1160 FEET SOUTH AND 1000 FEET WEST FROM THE NE CORNER OF SECTION 20
2 N	23 E	WM	29	NE SE	HIGHLINE DITCH - 3800 FEET SOUTH AND 40 FEET WEST FROM THE NE CORNER OF SECTION 29

Authorized Place of Use:

DOMESTIC (STOCK) USE AND IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	7	SE SE	2.37
2 N	23 E	WM	8	SW SW	28.01
2 N	23 E	WM	17	SW NE	9.67
2 N	23 E	WM	17	SE NE	12.35
2 N	23 E	WM	17	NW NW	11.52
Total					63.92

35. Transfer Application T-13875 proposes to move the authorized points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of diversion in feet (ft.) or miles (mi.)		
2 N	23 E	WM	7	NE NE	N. POD - 1180 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 7	APOD	EWING DITCH	HIGHLINE DITCH
						344 ft. upstream	2.5 mi. downstream	4.3 mi. downstream
2 N	23 E	WM	20	SE NE	EWING DITCH POD - 1520 FEET SOUTH AND 950 FEET WEST FROM THE NE CORNER OF SECTION 20	2.8 mi. upstream	450 ft. upstream	1.6 mi. downstream

36. Transfer Application T-13875 also proposes to change the place of use of the right to:

DOMESTIC (STOCK) USE AND IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	8	SE SW	5.90
2 N	23 E	WM	8	SW SE	1.90
2 N	23 E	WM	17	NW NE	23.50
2 N	23 E	WM	17	NE NW	24.92
2 N	23 E	WM	17	NW NW	7.50
2 N	23 E	WM	17	SE NW	0.20
Total					63.92

37. The tenth right to be transferred is as follows:

Certificate: 87969 in the name of WILLOW FARMS, LLC, C/O MARK ZOLLER (perfected under Permit G-2702)

Use: IRRIGATION of 8.79 ACRES and SUPPLEMENTAL IRRIGATION of 157.01 ACRES

Priority Date: JUNE 8, 1964

Rate: 0.86 CUBIC FOOT PER SECOND; in any combination from either well, if available at the old point of appropriation (Hynd Well #1), located in the SE1/4 SE1/4, SECTION 17, T2N, R23E, WM; 1950 FEET SOUTH AND 4820 FEET EAST FROM THE W1/4 CORNER, SECTION 17

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

Source: TWO WELLS within the WILLOW CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	17	SE NE	CHENEY WELL #2 - 170 FEET NORTH AND 2370 FEET EAST FROM THE C1/4 CORNER OF SECTION 17
2 N	23 E	WM	20	SE NE	NEW WELL - 1330 FEET NORTH AND 1470 FEET EAST FROM THE C1/4 CORNER OF SECTION 20

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	17	NW SE	4.40
2 N	23 E	WM	17	SW SE	0.74
2 N	23 E	WM	20	NE NE	0.44
2 N	23 E	WM	20	NW NE	2.34
2 N	23 E	WM	21	NW NW	0.87
Total					8.79

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	16	NW SW	0.10
2 N	23 E	WM	16	SW SW	0.70
2 N	23 E	WM	17	NE SE	34.80
2 N	23 E	WM	17	NW SE	19.30
2 N	23 E	WM	17	SW SE	16.16
2 N	23 E	WM	17	SE SE	29.70
2 N	23 E	WM	20	NE NE	39.56
2 N	23 E	WM	20	NW NE	11.66
2 N	23 E	WM	21	NW NW	5.03
Total					157.01

38. The Department received information from the applicant that better describes the location of the authorized point of appropriation for New Well under Certificate 87969 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	23 E	WM	20	SE NE	NEW WELL - 1530 FEET SOUTH AND 930 FEET WEST FROM THE NE CORNER OF SECTION 20

39. Transfer Application T-13875 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original points of diversion in feet (ft.) or miles (mi.)	
2 N	23 E	WM	17	SE NE	NEW WELL #2 - 170 FEET NORTH AND 2350 FEET EAST FROM THE CENTER OF SECTION 17	CHENEY WELL #2	NEW WELL
						19.8 ft.	0.8 mi.

40. Transfer Application T-13875 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	19	NW NE	6.40
2 N	23 E	WM	19	SW NE	2.39
Total					8.79

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 N	23 E	WM	16	SW SW	2.20
2 N	23 E	WM	17	NE SE	12.30
2 N	23 E	WM	17	NW SE	10.50
2 N	23 E	WM	17	SW SE	20.00
2 N	23 E	WM	17	SE SE	9.92
2 N	23 E	WM	19	SE NE	14.69
2 N	23 E	WM	20	NE NE	19.70
2 N	23 E	WM	20	NW NE	18.70
2 N	23 E	WM	20	SE NE	17.80
2 N	23 E	WM	20	NE SE	6.30
2 N	23 E	WM	21	NW NW	6.70
2 N	23 E	WM	21	SW NW	11.00
2 N	23 E	WM	21	NW SW	7.20
Total					157.01

41. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

42. 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.
43. 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-13875.
44. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
45. The Department determined that more than one source has been developed under Certificate 87964. Authorized POA MORR 495 develops the alluvial aquifer and authorized POAs MORR 498 and MORR 50687 produce from the CRBG (basalt) aquifer system.

The total instantaneous rate authorized under Certificate 87964 is 2.34 cfs. The instantaneous rate authorized for each POA are shown in Table 1 of the Groundwater review. The portion allocated to POAs producing from the CRBG aquifer system is 2.188 cfs from MORR 50687 and 0.76 cfs from MORR 498. The combined rate from these wells (2.948 cfs) exceeds the authorized maximum instantaneous rate, so 100% of the pumping rate can come from the CRBG aquifer system.

46. The Department also determined the proposed POA (New Well #2/Not Drilled) should be conditioned to be open to a single aquifer. Construction information provided for proposed POA (New Well #2/Not Drilled) indicates the well will contain 500 feet of open hole. The large open interval may result in commingling of water-bearing zones with distinct hydraulic heads. To protect against commingling in the proposed POA, the open interval should be limited to a single aquifer in the Columbia River Basalt Group aquifer system and shall meet applicable well construction standards (OAR 690-200 and OAR 690-210).
47. The proposed changes, as conditioned, would not result in enlargement of the rights.
48. The proposed changes, as conditioned, would not result in injury to other water rights.
49. All other application requirements are met.

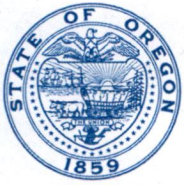
Determination and Proposed Action

The changes in points of diversion, additional points of appropriation, and changes in places of use proposed in Transfer Application T-13875, as conditioned, 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-13875 is approved, the final order will include the following:

- 1. The changes in points of diversion, additional points of appropriation, and changes in places of use proposed in Transfer Application T-13875 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 76075, 76852, 87962, 87963, 87964, 87965, 87966, 87967, 87968, and 87969, and any related decree.*
- 3. Water right Certificates 76075, 76852, 87962, 87963, 87964, 87965, 87966, 87967, 87968, and 87969 are cancelled. A new certificate will be issued describing that portion of Certificate 87964 not affected by this transfer.*
- 4. Under Certificate 76075, the quantity of water diverted at the new points of diversion (N. POD and Ewing Ditch POD), shall not exceed the quantity of water lawfully available at the original points of diversion (PODs 1, 2, and 3).*
- 5. Under Certificate 76582, the quantity of water diverted at the new points of diversion (N. POD and Ewing Ditch), shall not exceed the quantity of water lawfully available at the original point of diversion (POD).*
- 6. Under Certificate 87962, the quantity of water diverted at the new point of diversion (N. POD), shall not exceed the quantity of water lawfully available at the original point of diversion (POD and Ewing Ditch).*
- 7. Under Certificate 87963, the quantity of water diverted at the new additional point of appropriation (New Well #2), together with that diverted at the original points of appropriation (Cheney Well #2 and New Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Cheney Well #2 and New Well).*
- 8. Under Certificate 87964, the quantity of water diverted at the new additional point of appropriation (New Well #2), together with that diverted at the original points of appropriation (Cheney Well #2 and New Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Cheney Well #2 and New Well). The maximum instantaneous rate from Cheney Well #2 (MORR 498), New Well (MORR 50687), and New Well #2 (Not Drilled) shall not exceed 2.34 cfs.*
- 9. Under Certificate 87965, the quantity of water diverted at the new additional point of appropriation (New Well #2), together with that diverted at the original points of appropriation (Cheney Well #2 and New Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Cheney Well #2 and New Well).*
- 10. Under Certificate 87966, the quantity of water diverted at the new points of diversion (N. POD and Ewing Ditch), shall not exceed the quantity of water lawfully available at the original points of diversion (PODs 1, 2, 3, 4, and Highline Ditch).*

11. *Under Certificate 87967, the quantity of water diverted at the new points of diversion (N. POD and Ewing Ditch), shall not exceed the quantity of water lawfully available at the original point of diversion (S. POD).*
12. *Under Certificate 87968, the quantity of water diverted at the new points of diversion (N. POD and Ewing Ditch POD), shall not exceed the quantity of water lawfully available at the original points of diversion (POD, Ewing Ditch, and Highline Ditch).*
13. *Under Certificate 87969, the quantity of water diverted at the new additional point of appropriation (New Well #2), together with that diverted at the original points of appropriation (Cheney Well #2 and New Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Cheney Well #2 and New Well).*
14. *To protect against commingling in the proposed POA (New Well #2/Not Drilled), the open interval should be limited to a single aquifer in the Columbia River Basalt Group aquifer system and shall meet applicable well construction standards (OAR 690-200 and OAR 690-210).*
15. *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 diversion (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.*
16. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
17. *The former places of use of the transferred rights shall no longer receive water under the rights.*



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

July , 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicant

CAL HOLDINGS, LLC
C/O AMBROSE CALCAGNO
PO BOX 796
OREGON CITY, OR 97045

SUBJECT: Water Right Transfer Application T-13875

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13875. 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.

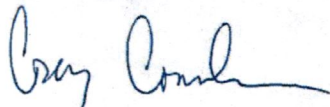
A public notice is being published in the Department's weekly publication and in the East Oregonian newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in 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 blue ink that reads "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly legible.

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application T-13875
Kenneth C. Thiemann, District 21 Watermaster (*via e-mail*)
William Porfily, Agent for the applicant (*via e-mail*)

encs

WATER RIGHT TRANSFER COVER SHEET

RA

Transfer: T- 13875

Transfer Specialist:

Transfer Type: Regular Transfer

Corey

Applicant: CAL HOLDINGS LLC C/O AMBROSE CALCAGNO PO BOX 796 OREGON CITY, OR 97045 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A WILLIAM PORFILY PO BOX 643 STANFIELD, OR 97875 Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Morrow County Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	Decree		87962	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	G-4300	G-4050	87963	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	G-10914	G-10135	87964	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	97219
<input type="checkbox"/>	G-4269	G-4021	87965	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Decree		87966	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Decree		87967	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Decree		87968	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	G-2883	G-2702	87969	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Decree		76075	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	Decree		76852	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Key Dates & Initial Actions:

Rec'd: December 9, 2021	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; POINT OF DIVERSION; PLACE OF USE	
Fees Pd: 12110.00	WM District: 21	ODFW District:
Initial Public Notice: December 28, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent: 6/20/23	News \$ received: 6/22/23
Request to publish sent:	Affidavit of publication received:	Last day of publication:

East Oregonian

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <u>1/21/22</u> Initials: <u>CC</u>	Date: <u>4/7/23</u> Initials: <u>AD</u>	Date: _____ Initials: _____	Date: <u>4/20/23</u> Initials: <u>PKS</u>	Date: <u>4/28/23</u> Initials: <u>CC</u>	CW Sent: <u>4/28/23</u>	N/A
PD	Date: <u>5/31/23</u> Initials: <u>CC</u>	Date: <u>6/5/23</u> Initials: <u>Scott</u>	Date: _____ Initials: _____	Date: <u>6/14/23</u> Initials: <u>PKS</u>	Date: <u>6/16/23</u> Initials: <u>CC</u>	Date: <u>6/30/23</u>	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

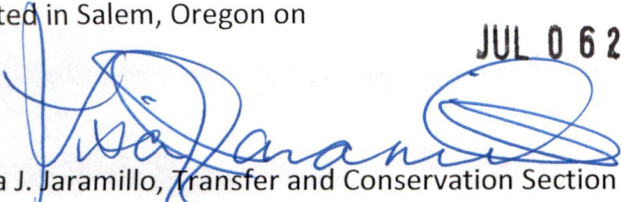
Special Issues: _____

Special Order Volume: Vol. _____ Pages _____

18. 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.
19. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

JUL 06 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 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

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;

- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050,

the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.