

7. The portion first right to be transferred under Transfer Application T-6948 is as follows:

Certificate: 83084 in the name of KRAEMER FARMS (perfected under Permit S-47801)
Use: IRRIGATION OF 35.0 ACRES
Priority Date: MAY 26, 1981
Rate: 0.224 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: BUTTE CREEK, tributary to the PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 E	WM	8	NE NW	41	1130 FEET SOUTH AND 100 FEET WEST FROM THE N¼ CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	6	SW SW	35.0

8. Transfer Application T-6948 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	17	SW NE	48	24.7
6 S	1 E	WM	17	SE NE	48	9.4
6 S	1 E	WM	17	NE SE	48	0.6
6 S	1 E	WM	17	NW SE	48	0.3
TOTAL						35.0

9. The portion second right to be transferred under Transfer Application 6948 is as follows:

Certificate: 83085 in the name of KRAEMER FARMS (perfected under Permit G-10144)
Use: SUPPLEMENTAL IRRIGATION OF 35.0 ACRES
Priority Date: SEPTEMBER 20, 1983
Rate: 0.222 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same lands.

Source: TWO WELLS within the BUTTE CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 E	WM	17	NW NW	1200 FEET SOUTH AND 80 FEET EAST FROM THE NW CORNER OF SECTION 17
6 S	1 E	WM	17	SE NW	1470 FEET SOUTH AND 1990 FEET EAST FROM THE NW CORNER OF SECTION 17

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	6	SW SW	35.0

10. Transfer Application T-6948 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	17	SW NE	48	24.7
6 S	1 E	WM	17	SE NE	48	9.4
6 S	1 E	WM	17	NE SE	48	0.6
6 S	1 E	WM	17	NW SE	48	0.3

11. The portion first right to be transferred under Transfer Application T-8115 is as follows:

Certificate: 83084 in the name of KRAEMER FARMS (perfected under Permit S-47801)

Use: IRRIGATION OF 39.2 ACRES

Priority Date: MAY 26, 1981

Rate: 0.252 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: BUTTE CREEK, tributary to the PUDDING RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	1 E	WM	8	NE NW	41	1130 FEET SOUTH AND 100 FEET WEST FROM THE N¼ CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	7	NE NW	4.2
6 S	1 E	WM	7	NW NW	35.0

12. Transfer Application T-8115 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	8	SE SW	43	0.9
6 S	1 E	WM	8	SW SE	43	0.6
6 S	1 E	WM	17	NW NE	43	14.4
6 S	1 E	WM	17	SW NE	48	16.2
6 S	1 E	WM	17	NE NW	43	3.6
6 S	1 E	WM	17	SE NW	48	2.6
6 S	1 E	WM	17	NE SW	48	0.1
6 S	1 E	WM	17	NW SE	48	0.8

13. The portion second right to be transferred under Transfer Application 8115 is as follows:

Certificate: 83085 in the name of KRAEMER FARMS (perfected under Permit G-10144)
Use: SUPPLEMENTAL IRRIGATION OF 39.2 ACRES
Priority Date: SEPTEMBER 20, 1983
Rate: 0.249 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same lands.
Source: TWO WELLS within the BUTTE CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 E	WM	17	NW NW	1200 FEET SOUTH AND 80 FEET EAST FROM THE NW CORNER OF SECTION 17
6 S	1 E	WM	17	SE NW	1470 FEET SOUTH AND 1990 FEET EAST FROM THE NW CORNER OF SECTION 17

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	7	NE NW	4.2
6 S	1 E	WM	7	NW NW	35.0

14. Transfer Application T-8115 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	1 E	WM	8	SE SW	43	0.9
6 S	1 E	WM	8	SW SE	43	0.6
6 S	1 E	WM	17	NW NE	43	14.4
6 S	1 E	WM	17	SW NE	48	16.2
6 S	1 E	WM	17	NE NW	43	3.6
6 S	1 E	WM	17	SE NW	48	2.6
6 S	1 E	WM	17	NE SW	48	0.1
6 S	1 E	WM	17	NW SE	48	0.8

15. Notice of the application for transfers was published pursuant to ORS 540.520 and OAR 690-380-4000. In response to the notice for T-6948, WaterWatch of Oregon filed a comment requesting to receive a copy of the technical review (preliminary determination).
16. On March 31, 2010, the Department e-mailed a copy of the draft Preliminary Determination proposing to approve Transfer Applications T-6948 and T-8115 to the applicant's agent. The draft Preliminary Determination cover letter set forth a deadline of May 3, 2010, for the applicant to respond. 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.

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

17. Water has been used within the five-year period prior to submittal of the transfer applications 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.
18. Pumps, pipelines, and sprinkler systems 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 Applications T-6948 and T-8115.
19. There is another water right on the "from" land. Certificate 76326 confirms a primary irrigation right that was applied for on the land after T-6948 was filed. Certificate 76326 was not intended to be layered with any existing water right on the "from" land.
20. Ground Water Registration Application GR-243 is being removed simultaneously from the "from" land under Ground Water Registration Modification T-10959.
21. The proposed changes would not result in enlargement of the rights.
22. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in places of use proposed in Transfer Applications T-6948 and T-8115 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 applications will be approved.

If Transfer Applications T-6948 and T-8115 are approved, the final order will include the following:

- 1. The changes in places of use proposed in Transfer Applications T-6948 and T-8115 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 83084 and 83085 and any related decree.*
- 3. Water right certificates 83084 and 83085 are cancelled.*
- 4. 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.*
 - 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.*
- 5. The former places of use of the transferred rights shall no longer receive water under the rights.*
- 6. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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.*

7. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 21 day of MAY 2010.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrđ.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.