

IRRIGATION DISTRICT EQUALIZING POND constructed under
PERMIT R-8244.

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
8 S	39 E	WM	11	NE NW	1693 FEET NORTH AND 2169 FEET EAST FROM THE W¼ CORNER OF SECTION 11

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	3	NW NW	6.8
8 S	40 E	WM	3	SW NW	20.0
8 S	40 E	WM	3	NW SW	40.0

3. Application T-11060 proposes to change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	4	SW SE	34.0
8 S	40 E	WM	4	SE SE	11.7
8 S	40 E	WM	10	NE NW	1.1
8 S	40 E	WM	10	SE NW	20.0

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

Certificate: 73610 in the name of U.S. Bureau of Reclamation (perfected under Permit S-32932)

Use: IRRIGATION of 66.8 ACRES

Priority Date: JUNE 19, 1958

Rate: 1.65 CUBIC FEET 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-FORTIETH of one cubic foot per second per acre, or its equivalent from direct flow, and 3.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from both direct flow and stored water.

Source: POWDER RIVER, tributary to the SNAKE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
8 S	39 E	WM	11	NE NE	270 FEET SOUTH AND 340 FEET WEST FROM THE NE CORNER OF SECTION 11

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	3	NW NW	6.8
8 S	40 E	WM	3	SW NW	20.0
8 S	40 E	WM	3	NW SW	40.0

5. Application T-11060 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	4	SW SE	34.0
8 S	40 E	WM	4	SE SE	11.7
8 S	40 E	WM	10	NE NW	1.1
8 S	40 E	WM	10	SE NW	20.0

6. Notice of the application for transfer was published on April 20, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. Notice of the application was mailed May 25, 2010, to the Bureau of Reclamation as required in Article II (B) (4) of the Settlement Agreement dated September 19, 2002. The Bureau contacted the Department on June 7, 2010, saying they had no comments in response to the notice.
8. On May 25, 2010, the Department mailed a copy of the draft Preliminary Determination to the applicant proposing to approve Transfer Application T-11060. The draft Preliminary Determination cover letter set forth a deadline of June 25, 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 they are authorized to pursue the transfer.

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

9. 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 rights are subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch 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-11060.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in place of use proposed in Transfer Application T-11060 appears 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-11060 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application, T-11060 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 73605 and any related decree.*
- 3. Water right certificates 73605 and 73610 are modified. The Department will issue a superseding certificate describing the right when it determines that is necessary for record keeping.*
- 4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
- 5. The water user shall maintain the existing headgate and shall make such improvements as may be required by the Department.*
- 6. The former place of use of the transferred rights shall no longer receive water under the rights.*
- 7. The approved change 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 change and full beneficial use of the water.*

Dated at Salem, Oregon this 16th day of June 2010.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Carrie Jones. If you have questions about the information in this document, you may reach me at 541-523-8224 x 36 or Carrie.R.Jones@wrdd.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.