

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-10231, Lake County)	PROPOSING APPROVAL OF
)	ADDITIONAL POINTS OF
)	APPROPRIATION AND CHANGE IN
)	PLACES OF USE

Authority

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

KEN AND MARIA CADE
P.O. BOX 26
FORT ROCK, OREGON 97735

Findings of Fact

1. On August 22, 2006, Ken and Maria Cade filed an application for additional points of appropriation and to change the place of use under Certificates 75658, 52873, and 81814. The Department assigned the application number T-10231.
2. On November 24, 2006, Certificate 75658 was superseded by Certificate 82639 as a result of a final order for T-10161.
3. The first right to be transferred is as follows:

Certificate: 82639 in the name of ROBERT E. FLOWERREE C/O FLOWERREE FARMS INC. (perfected under Permit G-8407)
Use: IRRIGATION OF 35.99 ACRES
Priority Date: NOVEMBER 30, 1978
Rate: 0.45 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH of one cfs, or its equivalent for each acre irrigated, per acre, not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the FORT ROCK BASIN

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.
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Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	16 E	WM	9	NW SE	2630 FEET NORTH AND 1420 FEET WEST FROM THE SE CORNER OF SECTION 9

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	9	NW SE	35.99

4. Application T-10231 proposes two additional points of appropriation located approximately 16.5 miles and 19.5 miles, respectively, from the existing point of appropriation. The proposed wells are located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	14 E	WM	24	NW NW	WELL 1 - 1320 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 24
25 S	15 E	WM	27	SW NW	WELL 2 - 1350 FEET SOUTH AND 1110 FEET EAST FROM THE NW CORNER OF SECTION 27

5. Application T-10231 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Source
25 S	14 E	WM	24	NE NW	31.5	Well 1
25 S	14 E	WM	24	SE NW	2.9	Well 1
25 S	15 E	WM	27	NW NE	1.59	Well 2

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

Certificate: 52873 in the name of EMIL AND RENATE WOLFSTRUM (perfected under Permit G-7174)

Use: IRRIGATION OF 39.0 ACRES

Priority Date: FEBRUARY 14, 1977

Rate: 0.49 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year

Source: RENATE WELL 1 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	16 E	WM	10	NE SE	60 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF THE NE1/4 SE1/4 OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	10	NE SE	39.0

7. Application T-10231 proposes an additional point of appropriation located approximately 16.5 miles from the existing point of appropriation. The proposed well is located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	27	SW NW	WELL 2 - 1350 FEET SOUTH AND 1110 FEET EAST FROM THE NW CORNER OF SECTION 27

8. Application T-10231 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	27	NE NW	14.0
25 S	15 E	WM	27	SE NW	25.0

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

Certificate: 81814 in the name of DAVID AXON (perfected under Permit G-10701)

Use: IRRIGATION OF 75.01 ACRES

Priority Date: NOVEMBER 3, 1983

Rate: 0.938 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of one cfs, or its equivalent for each acre irrigated, per acre, not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL in the FORT ROCK VALLEY BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
28 S	16 E	WM	10	SW NW	1320 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	10	NW NW	10.01
28 S	16 E	WM	10	SW NW	32.50
28 S	16 E	WM	10	SE NW	32.50

10. Application T-10231 proposes an additional point of appropriation located approximately 16.5 miles from the existing point of appropriation. The proposed well is located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
25 S	15 E	WM	27	SW NW	WELL 2 - 1350 FEET SOUTH AND 1110 FEET EAST FROM THE NW CORNER OF SECTION 27

11. Application T-10231 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	15 E	WM	27	NW NE	14.01
25 S	15 E	WM	27	NE NW	11.0
25 S	15 E	WM	27	NW NW	25.0
25 S	15 E	WM	27	SW NW	25.0

12. Notice of the application for transfer was published on August 8, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
13. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. Pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

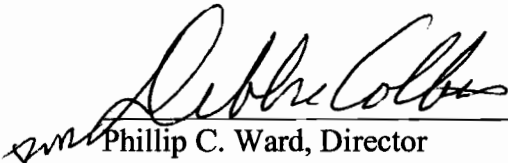
The additional points of appropriation and change in places of use proposed in application T-10231 appear to be consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000, and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

1. The right to 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 82639, 52873, and 81814, and any related decree.
2. Certificates 82639, 52873, and 81814 are cancelled. New certificates will be issued describing the portion of the right evidenced by Certificate 81814 not involved in this transfer.
3. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.

5. The quantity of water diverted at the proposed additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. The former places of use of the transferred water shall no longer receive water as part of these rights.
7. Prior to diverting water at the new points of appropriation, the water user shall install and maintain in-line flow meters or other suitable devices for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 26th day of January 2007.


Phillip C. Ward, Director

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1271.

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.