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*(Explain in detail the reasons why the transfer should not be approved. Attach additional pages as needed to provide a full explanation.)*

I understand that it may be necessary to present testimony and evidence in a contested case hearing in support of the assertions made in this protest and that failure to raise a reasonably ascertainable issue or failure to provide sufficient specificity in this protest may preclude consideration of the issue during the hearing.

Protestant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Pursuant to OAR 690-380-5000, transfer applications are subject to the following criteria:**

- The water right to be transferred must be a water use subject to transfer.  
*OAR 690-380-0100(11) defines “water use subject to transfer” as a water use established by an adjudication under OAR chapter 539 as evidenced by a court decree, a water right certificate, a water use permit for which a request for issuance of a water right certificate has been received and approved, or a transfer application for which an order approving the change has been issued and for which proper proof of completion has been filed.*
- The water right to be transferred may not be subject to cancellation due to non-use.  
*ORS 540.610 provides that a water right is presumed to be forfeited if not beneficially used for five successive years. The presumption may be rebutted by showing one of several exceptions exists. If the protest includes an assertion that the right is subject to cancellation, affidavits meeting the requirements of OAR 690-017-0400(2) must be included with the protest.*
- The proposed transfer may not result in enlargement of the subject water right.  
*OAR 690-380-0100(2) defines “enlargement” as an expansion of a water right including but not limited to using a greater rate or duty of water per acre than is currently allowed under a right, increasing the acreage irrigated under a right, failing to keep the original place of use from receiving water from the same source, or diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation.*
- The proposed transfer may not result in injury to another water right.  
*OAR 690-380-0100(3) defines “injury” as a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled.*
- Any other requirements for transfer of the water right must be met.  
*If the protest includes an assertion that any other criteria or requirements should be considered in reviewing a proposed transfer, the legal basis for applying the criteria or requirements should be described. Oregon Law does not establish the public interest as a basis for evaluating water right transfers.*

**Water Right Transfer Protest**

**Proof of Service**

I, \_\_\_\_\_, did on  
*(printed or typewritten name)*

\_\_\_\_\_, 20\_\_\_\_\_, mail a copy of the attached protest against water right  
*month day year*

Transfer Application Number T-\_\_\_\_\_ to the applicant by regular United States mail with  
sufficient postage prepaid. I mailed the copy of the protest to the following address:

\_\_\_\_\_  
*applicant or applicant's agent*

\_\_\_\_\_  
*address*

\_\_\_\_\_ *city* \_\_\_\_\_ *state* \_\_\_\_\_ *zip code*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(Proof of Service is not required if the applicant is the protestant.)*