

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11894, Lake County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

**Authority**

Oregon Revised Statute (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 Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

COLAHAN ENTERPRISES  
PO BOX 300  
PAISLEY, OR 97636

**Findings of Fact**

1. On September 26, 2014, COLAHAN ENTERPRISES filed an application for additional points of appropriation under Certificates 89355 and 89546. The Department assigned the application number T-11894.
2. Notice of the application for transfer was published on October 14, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On May 4, 2015, the Department issued a Preliminary Determination proposing to approve Transfer T-11894 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 12, 2015 and in the Lake County Examiner newspaper on May 20 and 27, 2015 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
4. On March 23, 2015, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11894 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 24, 2015, for the applicant to respond. The applicants Agent 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.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. On February 25, 2015, the Department contacted the applicant's agent requesting clarification of the well locations, on March 2, 2015; the applicant's agent sent revised well location measurements and a new application map.

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

**Certificate:** 89355 in the name of ROSS A. COLAHAN (perfected under Permit G-10059)

**Use:** SUPPLEMENTAL IRRIGATION of 80.6 ACRES

**Priority Date:** APRIL 19, 1983

**Rate:** 1.01 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-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:** A WELL within the GOOSE AND SUMMER LAKE BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	18 E	WM	23	NW SW	WELL 1- 1680 FEET NORTH AND 1240 FEET EAST FROM THE SW CORNER OF SECTION 23

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	18 E	WM	14	SE SE	36.4
33 S	18 E	WM	23	NE NW	42.1
33 S	18 E	WM	23	SE NW	2.1
Total					80.6

7. Transfer Application T-11894 proposes additional points of appropriation with approximate distances from (LAKE 1627, 4448) the existing point of appropriation(POA) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Existing POA
33 S	18 E	WM	23	NW SW	SVE 1 (LAKE 52530) - 1853 FEET NORTH AND 1208 FEET EAST FROM THE SW CORNER OF SECTION 23	174 feet
33 S	18 E	WM	23	SW NE	SVE 2 (LAKE 52529) - 2665 FEET NORTH AND 1725 FEET WEST FROM THE SE CORNER OF SECTION 23	0.50 mile
33 S	18 E	WM	23	SW NE	LITTLE HOT WELL (LAKE 1628, 1626) - 347 FEET NORTH AND 1386 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 23	0.50 mile

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

**Certificate:** 89546 in the name of ROSS H. AND DORIS COLAHAN (perfected under Permit G-9765)

**Use:** SUPPLEMENTAL IRRIGATION of 319.4 ACRES

**Priority Date:** APRIL 9, 1982

**Rate:** 2.90 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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:** A WELL in the CHEWAUCAN RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	18 E	WM	23	NW SW	WELL 1-1680 FEET NORTH AND 1240 FEET EAST FROM THE SW CORNER OF SECTION 23

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	18 E	WM	23	NE NE	41.6
33 S	18 E	WM	23	NW NE	41.4
33 S	18 E	WM	23	SW NE	38.8
33 S	18 E	WM	23	SE NE	41.1
33 S	18 E	WM	23	SE NW	39.6
33 S	18 E	WM	23	NE SW	19.9
33 S	18 E	WM	23	NW SW	6.3
33 S	18 E	WM	23	NE SE	8.7
33 S	18 E	WM	24	NE NW	1.2
33 S	18 E	WM	24	NW NW	40.6
33 S	18 E	WM	24	SW NW	38.6
33 S	18 E	WM	24	SE NW	1.4
33 S	18 E	WM	24	NW SW	0.2
Total					319.4

9. Transfer Application T-11894 proposes additional points of appropriation with approximate distances from the authorized point of appropriation(POA) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized POA
33 S	18 E	WM	23	NW SW	SVE 1 (LAKE 52530) - 1853 FEET NORTH AND 1208 FEET EAST FROM THE SW CORNER OF SECTION 23	174 feet
33 S	18 E	WM	23	SW NE	SVE 2 (LAKE 52529) - 2665 FEET NORTH AND 1725 FEET WEST FROM THE SE CORNER OF SECTION 23	0.50 mile
33 S	18 E	WM	23	SW NE	LITTLE HOT WELL (LAKE 1628, 1626) - 347 FEET NORTH AND 1386 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 23	0.50 mile

***Transfer Review Criteria (OAR 690-380-4010)***

10. Water has been used within the last five years prior to the submittal of Transfer Application T-11894 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.
11. A pump, pipeline, flood irrigation sites, 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-11894.
12. The proposed change as conditioned would not result in enlargement of the rights.
13. The proposed change as conditioned would not result in injury to other water rights.
14. All other application requirements are met.

**Conclusions of Law**

The additional points of appropriation proposed in Transfer Application T-11894 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed in Transfer Application T-11894 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 89355 and 89546 and any related decree.
3. Water right Certificates 89355 and 89546 are cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement and reporting conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing and instant read flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation 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.
  - d. The water user shall maintain a record of all water used each month, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. The record of use shall be submitted to

the Department annually, or more frequently as may be required by the Director, and shall be submitted to the Watermaster upon request.

6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Prior to using water from any well listed on this application, the water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID) which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
8. Wells with pumps shall be equipped with a minimum ¾-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit and if static, water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
9. The proposed additional point of appropriation well (LAKE 1628) original, Little Hot Well (LAKE 1626) deepening shall be reconstructed to meet current well construction standards prior to use. The well reconstruction shall be approved by both Departments Well Construction and Compliance section staff and Department Groundwater section hydrologist staff both located at Department headquarters.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. 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.
11. After satisfactory proof of beneficial use is received, a new certificate confirming the rights transferred will be issued.

Dated at Salem, Oregon this 2 day of July 2015.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: JUL 06 2015