

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-11860, Lake County	)	EMERGENCY USE DROUGHT
	)	TEMPORARY ADDITIONAL POINTS
	)	OF APPROPRIATION

**Authority**

ORS 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. OAR Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

**Applicant**

COLAHAN ENTERPRISES  
PO BOX 300  
PAISLEY, OR 97636

**Findings of Fact**

1. On July 14, 2014, COLAHAN ENTERPRISES filed an application to temporarily add points of appropriation under Certificate 89355 for the remainder of the 2014 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-11860.
2. Notice of the application for temporary drought transfer was published on July 22, 2014, pursuant to OAR 690-019-0055(5). No comments were filed in response to the notice.
3. The right to be temporarily transferred is as follows:

**Certificate:** T-11214 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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

**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

4. Temporary Drought Transfer Application T-11860 proposes two additional points of appropriation between approximately 385 and 2400 feet from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	18 E	WM	23	NW SW	SVE-1 - 2050 FEET NORTH AND 1370 FEET EAST FROM THE SW CORNER OF SECTION 23
33 S	18 E	WM	23	NW SE	SVE-2 - 2665 FEET NORTH AND 1725 FEET EAST FROM THE SE CORNER OF SECTION 23

**Temporary Drought Transfer Review Criteria**

5. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
7. The Governor issued an executive order on February 13, 2014, declaring a state of drought emergency in Lake County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
8. The proposed changes would not result in enlargement of the rights.
9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

## Conclusions of Law


The temporary additional points of appropriation proposed in Temporary Drought Transfer Application T-11860 are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

### Now, therefore, it is ORDERED:

1. The temporary additional points of appropriation proposed in Temporary Drought Transfer Application T-11860 are approved.
2. 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.
3. 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 new point of appropriation.
  - b. The water user shall maintain the meter or measuring device in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
4. Prior to using water from the proposed additional points of appropriation, the water user shall ensure that each well has been assigned an OWRD Well Identification Number (Well ID). A tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID, the water user shall apply for one from the Department and attach it to the well within 60 days of the date the transfer order is approved. 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.
5. Wells with pumps shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.
6. The approval of this temporary drought transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
7. The use of water from the temporary additional points of appropriation authorized by this transfer shall be in accordance with the terms and conditions of Certificate 89355. The additional points of appropriation shall revert to the authorized point of appropriation at the end of the 2014 irrigation season.
8. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.

9. The proposed additional points of appropriation shall revert to the authorized point of appropriation at the end of the 2014 irrigation season or the end of the Governor's declared drought, whichever occurs first.

Dated at Salem, Oregon this 4 day of August 2014.

  
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Dwight French, Water Right Services Administrator, for  
Director  
Oregon Water Resources Department

Mailing Date: AUG 08 2014