

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11214, Lake County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

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

COLAHAN ENTERPRISES
PO BOX 300
PAISLEY, OR 97636

Findings of Fact

Background

1. On March 21, 2011, COLAHAN ENTERPRISES filed an application for additional points of appropriation under Certificate 64775 and 82230. The Department assigned the application number T-11214.

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

Certificate: 64775 in the name of ROSS H. AND DORRIS COLAHAN (perfected under Permit G-9765)

Use: SUPPLEMENTAL IRRIGATION of 319.4 ACRES

Priority Date: APRIL 9, 1982

Rate: 2.9 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 a diversion of 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

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.

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 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

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

Certificate: 82230 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 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: 1500 FEET NORTH AND 1200 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

4. Certificates 64775 and 82230 list Well 1 (Lake 1627 and Lake 4448) as the point of appropriation. However, the legal description of the well is described differently in the certificates. Information available from the Certified Water Right Examiner indicates that the location of the point of appropriation (Lake 1627 and Lake 4448) for Certificates 64775 and 82230 is:

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

5. Transfer Application T-11214 proposes additional points of appropriation approximately 200 feet north to Well 2, 2950 feet northeast to Well 3, and 6050 feet northeast to Well 4, from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	18 E	WM	23	NW SW	WELL 2: 1853 FEET NORTH AND 112 FEET WEST FROM THE WEST 1/16 CORNER OF SECTIONS 23 AND 26
33 S	18 E	WM	23	SW NE	WELL 3: 2987 FEET NORTH AND 2574 FEET EAST FROM THE WEST 1/16 CORNER OF SECTIONS 23 AND 26
33 S	18 E	WM	14	SE SE	WELL 4: 3682 FEET NORTH AND 6426 FEET EAST FROM THE WEST 1/16 CORNER OF SECTIONS 23 AND 26

6. Notice of the application for transfer was published on March 29, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On June 24, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11214 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 24, 2011, 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 the applicant is authorized to pursue the transfer.
8. On October 17, 2011, the applicant agreed to Condition #7 concerning the construction of Well 2.
9. On November 2, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11214 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 November 8, 2011, and in the Lake County Examiner

newspaper on November 23 and 30, and December 7, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years 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, 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-11214.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. Well 1 (LAKE 1627 and LAKE 4448), Well 3 (LAKE 1626 and LAKE 1628), Well 4 (LAKE 1625), and proposed Well 2 obtain groundwater from basin fill sediments which contain some basalt. Reports for the basin indicate groundwater in both the basin fill and basalt units is likely hydraulically connected, making a single groundwater system occurring in geologic units with different permeability. A higher permeability and transmissivity generally occurs in the basalt and a lower permeability and transmissivity generally occurs in the in the basin fill. Well 2 is proposed to be drilled approximately 200 feet from Well 1. To be consistent with Well 1, proposed Well 2 must be constructed to obtain groundwater from the predominantly basin fill unit.

Conclusions of Law

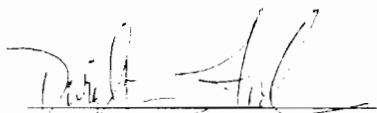
The additional points of appropriation proposed in Transfer Application T-11214, as conditioned by Finding of Fact # 14, are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in application T-11214 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 64775 and 82230 and any related decree.
3. Water right certificates 64775 and 82230 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 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 point of appropriation.
 - 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Well 2 must be constructed to obtain groundwater from the predominantly basin fill unit that overlies the predominantly basalt unit.
8. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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.
9. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 18 day of January 2012.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: JAN 10 2012