



# Oregon

John A. Kitzhaber, MD, Governor

June 12, 2012

VIA E-MAIL

## Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

### Applicant

CITY OF REDMOND  
875 SE VETERANS WAY  
REDMOND, OR 97756

SHANNON OSTENDORFF  
243 ANTLER AVE.  
REDMOND, OR 97756

SUBJECT: Water Right Transfer Application T-11343

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11343. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Redmond Spokesman newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0890 or [Dorothy.I.Pedersen@wrd.state.or.us](mailto:Dorothy.I.Pedersen@wrd.state.or.us) if I may be of assistance.

Sincerely,

Dorothy I. Pedersen  
Transfer Program Advisor

cc: T-1134  
Jeremy T. Giffin, District 11 Watermaster (*via e-mail*)  
James B. Newton, CWRE and Agent for the applicant (*via e-mail*)

encs



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

In the Matter of Transfer Application            )  
T-11343, Deschutes County                    )  
  )  
  )    PRELIMINARY DETERMINATION  
  )    PROPOSING APPROVAL OF  
  )    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**

CITY OF REDMOND  
ATTN: SHANNON OSTENDORFF  
243 ANTLER AVE  
REDMOND, OR 97756

**Findings of Fact**

**Background**

1. On January 12, 2012, the CITY OF REDMOND filed an application for two additional points of appropriation under Certificate 86244. The Department assigned the application number T-11343.

2. The right to be transferred is as follows:

**Certificate:** 86244 in the name of CITY OF REDMOND (perfected under Permit G-6793)  
**Use:** MUNICIPAL USES  
**Priority Date:** MARCH 27, 1975  
**Rate:** 3.30 CUBIC FEET PER SECOND; being 1.70 cfs from Well 1, 2.08 cfs from Well 2, 2.64 cfs from Well 4, and 3.30 cfs from Well 5, in any combination, or its equivalent in case of rotation, measured at the well.  
**Source:** 4 WELLS within the DESCHUTES RIVER 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.

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	13 E	WM	9	NE NW	WELL 1: SOUTH 83 DEGREES 30 MINUTES WEST, 546 FEET FROM THE N1/4 CORNER OF SECTION 9
15 S	13 E	WM	16	NW SW	WELL 2 (ORIGINAL): NORTH 27 DEGREES 24 MINUTES EAST, 1800 FEET FROM THE SW CORNER OF SECTION 16
15 S	13 E	WM	20	NE NE	WELL 5: SOUTH 5 DEGREES 48 MINUTES WEST, 1200 FEET FROM THE NE CORNER OF SECTION 20
15 S	13 E	WM	20	SE SW	WELL 4: NORTH 82 DEGREES 41 MINUTES WEST, 3945 FEET FROM THE SE CORNER OF SECTION 20

**Authorized Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
15 S	13 E	WM	4	NE NE
15 S	13 E	WM	4	NW NE
15 S	13 E	WM	4	SW NE
15 S	13 E	WM	4	SE NE
15 S	13 E	WM	4	NE NW
15 S	13 E	WM	4	NW NW
15 S	13 E	WM	4	SW NW
15 S	13 E	WM	4	SE NW
15 S	13 E	WM	4	NE SW
15 S	13 E	WM	4	NW SW
15 S	13 E	WM	4	SW SW
15 S	13 E	WM	4	SE SW
15 S	13 E	WM	4	NE SE
15 S	13 E	WM	4	NW SE
15 S	13 E	WM	4	SW SE
15 S	13 E	WM	4	SE SE
15 S	13 E	WM	8	NE NE
15 S	13 E	WM	8	SE NE
15 S	13 E	WM	8	NE SE
15 S	13 E	WM	8	SE SE
15 S	13 E	WM	9	NE NE
15 S	13 E	WM	9	NW NE
15 S	13 E	WM	9	SW NE
15 S	13 E	WM	9	SE NE
15 S	13 E	WM	9	NE NW
15 S	13 E	WM	9	NW NW
15 S	13 E	WM	9	SW NW
15 S	13 E	WM	9	SE NW
15 S	13 E	WM	9	NE SW
15 S	13 E	WM	9	NW SW
15 S	13 E	WM	9	SW SW
15 S	13 E	WM	9	SE SW
15 S	13 E	WM	9	NE SE
15 S	13 E	WM	9	NW SE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
15 S	13 E	WM	9	SW SE
15 S	13 E	WM	9	SE SE
15 S	13 E	WM	10	NW NW
15 S	13 E	WM	10	SW NW
15 S	13 E	WM	10	SE NW
15 S	13 E	WM	10	NE SW
15 S	13 E	WM	10	NW SW
15 S	13 E	WM	10	SW SW
15 S	13 E	WM	10	SE SW
15 S	13 E	WM	15	NE NW
15 S	13 E	WM	15	NW NW
15 S	13 E	WM	15	SW NW
15 S	13 E	WM	15	SE NW
15 S	13 E	WM	15	NE SW
15 S	13 E	WM	15	NW SW
15 S	13 E	WM	15	SW SW
15 S	13 E	WM	15	SE SW
15 S	13 E	WM	15	NW SE
15 S	13 E	WM	15	SW SE
15 S	13 E	WM	15	SE SE
15 S	13 E	WM	16	NE NE
15 S	13 E	WM	16	NW NE
15 S	13 E	WM	16	SW NE
15 S	13 E	WM	16	SE NE
15 S	13 E	WM	16	NE NW
15 S	13 E	WM	16	NW NW
15 S	13 E	WM	16	SW NW
15 S	13 E	WM	16	SE NW
15 S	13 E	WM	16	NE SW
15 S	13 E	WM	16	NW SW
15 S	13 E	WM	16	SW SW
15 S	13 E	WM	16	SE SW
15 S	13 E	WM	16	NE SE
15 S	13 E	WM	16	NW SE
15 S	13 E	WM	16	SW SE
15 S	13 E	WM	16	SE SE
15 S	13 E	WM	17	NE NE
15 S	13 E	WM	17	SE NE
15 S	13 E	WM	17	NE SE
15 S	13 E	WM	17	SE SE
15 S	13 E	WM	19	SE SW
15 S	13 E	WM	19	NE SE
15 S	13 E	WM	19	SW SE
15 S	13 E	WM	19	SE SE
15 S	13 E	WM	20	NE NE
15 S	13 E	WM	20	SW NE
15 S	13 E	WM	20	SE NE
15 S	13 E	WM	20	NE SW
15 S	13 E	WM	20	NW SW
15 S	13 E	WM	20	SW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
15 S	13 E	WM	20	SE SW
15 S	13 E	WM	20	NE SE
15 S	13 E	WM	20	NW SE
15 S	13 E	WM	20	SW SE
15 S	13 E	WM	20	SE SE
15 S	13 E	WM	21	NE NE
15 S	13 E	WM	21	NW NE
15 S	13 E	WM	21	NE NW
15 S	13 E	WM	21	NW NW
15 S	13 E	WM	21	SW NW
15 S	13 E	WM	21	SE NW
15 S	13 E	WM	21	NE SW
15 S	13 E	WM	21	NW SW
15 S	13 E	WM	21	SW SW
15 S	13 E	WM	22	NE NE
15 S	13 E	WM	22	NW NE
15 S	13 E	WM	22	SW NE
15 S	13 E	WM	22	SE NE
15 S	13 E	WM	22	NE NW
15 S	13 E	WM	22	NW NW
15 S	13 E	WM	22	SW NW
15 S	13 E	WM	22	SE NW
15 S	13 E	WM	22	NE SW
15 S	13 E	WM	22	NW SW
15 S	13 E	WM	22	SW SW
15 S	13 E	WM	22	SE SW
15 S	13 E	WM	22	NE SE
15 S	13 E	WM	22	NW SE
15 S	13 E	WM	22	SW SE
15 S	13 E	WM	22	SE SE
15 S	13 E	WM	23	NW NE
15 S	13 E	WM	23	SW NE
15 S	13 E	WM	23	NE NW
15 S	13 E	WM	23	NW NW
15 S	13 E	WM	23	SW NW
15 S	13 E	WM	23	SE NW
15 S	13 E	WM	23	NE SW
15 S	13 E	WM	23	NW SW
15 S	13 E	WM	23	SW SW
15 S	13 E	WM	23	SE SW
15 S	13 E	WM	23	NW SE
15 S	13 E	WM	23	SW SE
15 S	13 E	WM	26	NW NE
15 S	13 E	WM	26	NE NW
15 S	13 E	WM	26	NW NW
15 S	13 E	WM	26	SW NW
15 S	13 E	WM	26	SE NW
15 S	13 E	WM	27	NE NE
15 S	13 E	WM	27	NW NE
15 S	13 E	WM	27	SW NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
15 S	13 E	WM	27	SE NE
15 S	13 E	WM	27	NE NW
15 S	13 E	WM	27	NW NW
15 S	13 E	WM	27	SW NW
15 S	13 E	WM	27	SE NW
15 S	13 E	WM	29	NE NE
15 S	13 E	WM	29	NW NE
15 S	13 E	WM	29	SE NE
15 S	13 E	WM	30	NE NW

3. It is noted that Sections 14 and 28 in T 15 S, R 13 E, are served in addition to those Sections authorized in Certificate 86244. This is allowed pursuant to ORS 540.510(3).

4. Transfer Application T-11343 proposes two additional points of appropriation: Well 6 being 0.85-1.5 miles east and southeast from Wells 2, 4, and 5; and Well 7 approximately 1.5 miles southeast from Well 1:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	WELL LOG	Measured Distances
15 S	13 E	WM	21	NW SE	100	DESC 55853	WELL 6: NORTH 35 DEGREES 38 MINUTES WEST, 2,444 FEET FROM THE SE CORNER OF SECTION 21
15 S	13 E	WM	10	SW SE	100	DESC 57788	WELL 7: 1,210 FEET NORTH AND 1,640 FEET WEST FROM THE SE CORNER OF SECTION 10

5. Notice of the application for transfer was published on January 24, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

6. On April 3, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11343 to the applicant, via e-mail. The draft Preliminary Determination cover letter set forth a deadline of May 4, 2012, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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

7. Water has been used within the last five years prior to the submittal of Transfer Application T-11343 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

8. Pumps and a municipal distribution system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11343.

9. The proposed change would not result in enlargement of the right.

10. The proposed change would not result in injury to other water rights.

### **Determination and Proposed Action**

The additional points of appropriation proposed in Transfer Application T-11343 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-11343 is approved, the final order will include the following:*

1. *The additional points of appropriation proposed in application T-11343 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 Certificate 86244 and any related decree.*
3. *Water right certificate 86244 is cancelled.*
4. *The quantity of water diverted at the 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.*
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 points of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 11 day of June, 2012.

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

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](mailto:Dorothy.I.Pedersen@wrд.state.or.us).

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.