



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
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May 4, 2015

VIA E-MAIL

COLAHAN ENTERPRISES
PO BOX 300
PAISLEY, OR 97636

SUBJECT: Water Right Transfer Application T-11894

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11894. 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 **Lake County Examiner** 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 503-986-0892 or Joan.M.Smith@wrd.state.or.us if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: T-11894
Brian M. Mayer, District 12 Watermaster (*via e-mail*)
Bruce Brody-Heine, Agent for the applicant (*via e-mail*)
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**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-11894, Lake County)
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)

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF
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 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.
4. 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.
5. The first right to be transferred is as follows:

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

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.

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

6. Transfer Application T-1 1894 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

7. 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

8. 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)

9. 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.
10. 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.

11. The proposed change as conditioned would not result in enlargement of the rights.
12. The proposed change as conditioned would not result in injury to other water rights.
13. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-11894 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-11894 is approved, the final order will include the following:

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 85946 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 3/4-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 4 day of MAY 2015.


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

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

This Preliminary Determination was prepared by Joan Smith. If you have any questions about the information in this document, you may reach me at 503-986-0892 or Joan.M.SMITH@ wrd.state.or.us