



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

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August ²⁵ 2015

The Dalles Country Club
Board of Directors
Hwy 30 W
The Dalles, OR 97058

SUBJECT: Water Right Transfer Application T-11962

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11962. 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 The Dalles Chronicle 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 541-278-5456 or Ken.D.Dowden@ wrd.state.or.us if I may be of assistance.

Sincerely,

Ken Dowden
Transfer Specialist
NC REGION
Transfer and Conservation Section

cc: T-11962
Robert L. Wood, District 3 Watermaster (via e-mail)
Larry M. Toll, 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-11962, Wasco County)
)
) **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

The Dalles Country Club
4550 Hwy 30 W
The Dalles, OR 97058

Agent

Tenneson Engineering Corp.
Attn.: Larry Toll, CWRE
3775 Crates Way
The Dalles, OR 97058

Findings of Fact

1. On January 12, 2015, The Dalles Country Club filed an application to add an additional point of appropriation under Certificates 54589 and 65985. The Department assigned the application number T-11962.
2. On July 2, 2015, the agent for the applicant submitted a revised application and map to clarify the place of use and proposed point of appropriation.
3. Notice of the application for transfer was published on January 20, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On July 6, 2015, the Department mailed the applicant a draft copy of the Preliminary Determination proposing to approve Transfer Application T-11962. The draft document set forth a deadline of August 5, 2015 for the applicant to respond. On July 30, 2015, the agent for the applicant requested the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that they are authorized to pursue the transfer. The agent also asked for additional time for completion of the project, and requested a completion date of October 1, 2017 be allowed for completion of the changes; due to the drought conditions and the need to apply the water beneficially on all lands should the dry conditions persist.

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.

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

Certificate: 54589 in the name of THE DALLES COUNTRY CLUB (perfected under Permit G-5495)
Use: SUPPLEMENTAL IRRIGATION of 40.0 ACRES
Priority Date: NOVEMBER 26, 1971
Rate: 0.5 CUBIC FOOT 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, 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 COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Gov't Lot	Q - Q	Measured Distances
2 N	13 E	WM	17	Lot 1	NE SE	WELL 2 - 1510 FEET NORTH AND 320 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Gov't Lot	DLC	Q - Q	Acres
2 N	13 E	WM	17	Lot 1	--	NE SE	18.8
2 N	13 E	WM	17	--	--	NW SE	3.0
2 N	13 E	WM	17	Lot 6	--	SW SE	0.3
2 N	13 E	WM	17	--	38	SW SE	0.1
2 N	13 E	WM	17	--	38	SE SE	10.5
2 N	13 E	WM	17	Lot 7	--	SE SE	7.3
TOTAL:							40.0

6. Transfer Application T-11962 proposes to add an additional point of appropriation (well) to the above described right southwest of Well 2 approximately 1430 feet to:

Twp	Rng	Mer	Sec	Gov't Lot	Q - Q	Measured Distances
2 N	13 E	WM	17	DLC 38	SE SE	WELL 3 (WASC 51988) - 460 FEET NORTH AND 1265 FEET WEST FROM THE SE CORNER OF SECTION 17

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

Certificate: 65985 in the name of THE DALLES COUNTRY CLUB (perfected under Permit G-10645)
Use: IRRIGATION of 3.15 ACRES
Priority Date: MAY 7, 1986 for 0.03 cfs and JULY 21, 1986 for 0.01 cfs
Rate: 0.04 cfs from Well 1, with any deficiency in supply to be furnished from Well 2
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, 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.

Source: TWO WELLS within the COLUMBIA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	DLC / Gov't Lot	Q - Q	Measured Distances
2 N	13 E	WM	17	DLC 38	SE SE	WELL 1 - 820 FEET NORTH AND 1130 FEET WEST FROM THE SE CORNER OF SECTION 17
2 N	13 E	WM	17	Lot 1	NE SE	WELL 2 - 1510 FEET NORTH AND 320 FEET WEST FROM THE SE CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Gov't Lot	DLC	Q - Q	Acres
2 N	13 E	WM	17	Lot 1	--	NE SE	0.05
2 N	13 E	WM	17	Lot 6	--	SW SE	0.40
2 N	13 E	WM	17	Lot 7	--	SE SE	0.20
2 N	13 E	WM	17	--	38	SE SE	2.50
TOTAL:							3.15

- Transfer Application T-11962 proposes to add an additional point of appropriation (well) for the above described right southwest of Well 1 approximately 360 feet and southwest approximately 1430 feet from Well 2 to:

Twp	Rng	Mer	Sec	Gov't Lot	Q - Q	Measured Distances
2 N	13 E	WM	17	DLC 38	SE SE	WELL 3 - 460 FEET NORTH AND 1265 FEET WEST FROM THE SE CORNER OF SECTION 17

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used within the last five years prior to the submittal of Transfer Application T-11962 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.
- Wells, pumps, pipeline, and sprinkler systems 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-11962.
- The Department has determined that the proposed change to add a new additional point of appropriation (WELL 3 - WASC 51988) would develop the same ground water aquifer as the authorized points of appropriation (WELL 1 - WASC 3231) (WELL 2 - WASC 3230). Under OAR 690-380-2110, any request for a change in (or additional) point of appropriation is restricted to the same aquifer.
- The proposed change would not result in enlargement of the rights.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

Determination and Proposed Action

The changes to add an additional point of appropriation proposed in Transfer Application T-11962 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-11962 is approved, the final order will include the following:

1. *The changes to add an additional point of appropriation proposed in Transfer Application T-11962 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 54589 and 65985 and any related decree.*
3. *Water right Certificates 54589 and 65985 are cancelled.*
4. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
5. *The quantity of water diverted at the new additional point of appropriation (WELL 3 WASC 51988), 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.*
6. *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 and existing** point of diversion.*
 - b. *The water user shall maintain the meters or measuring device 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 device is located within a private structure, the Watermaster shall request access upon reasonable notice.*
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, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 27th day of August 2015.



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

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@wrд.state.or.us

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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.