



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

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December 21, 2015

DON AND CONNIE RAMAGE  
PO BOX 44  
SILVER LAKE, OR 97638

SUBJECT: Water Right Transfer Application T-11938

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11938. 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 Lakeview 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 503-986-0886 or [Patrick.K.Starnes@wr.d.state.or.us](mailto:Patrick.K.Starnes@wr.d.state.or.us) if I may be of assistance.

Sincerely,

Kelky Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application file T-11938  
Brian M. Mayer, District 12 Watermaster (*via e-mail*)  
Scott D. Montgomery, Agent/CWRE 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-11938, Lake County                            )  
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**PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF AN  
ADDITIONAL POINT OF  
APPROPRIATION AND PLACE OF  
USE**

**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**

**DON AND CONNIE RAMAGE  
PO BOX 44  
SILVER LAKE, OR 97638**

**Findings of Fact**

1. On December 9, 2014, DON AND CONNIE RAMAGE filed an application for an additional point of appropriation and to change the place of use under Certificate 82723. The Department assigned the application number T-11938.
2. Notice of the application for transfer was published on December 16, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 15, 2015, the Department sent a copy of the Draft Preliminary Determination proposing to approve Transfer Application T-11938 to the applicants. The Draft Preliminary Determination cover letter set forth a deadline of November 16, 2015, for the applicants to respond. The applicants requested that the completion date be extended to October 1, 2020 and for 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.

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.

4. The portion of the right to be transferred is as follows:

**Certificate:** 82723 in the name of JAMES T. AND RENATE L. PANCAKE (perfected under Permit G-10043)  
**Use:** IRRIGATION OF 7.2 ACRES  
**Priority Date:** MARCH 22, 1983  
**Rate:** 0.09 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, 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:** WELL NO. 1 within the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	10	SW SE	WELL 1 - 310 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	15	NW NE	7.2

5. Transfer Application T-11938 proposes an additional point of appropriation approximately 1 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	11	SW NE	WELL 3 (HARN 1386) - 30 FEET NORTH AND 780 FEET EAST FROM THE C 1/4 CORNER OF SECTION 11

6. Transfer Application T-11938 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	11	NE SE	7.2

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

7. Water has been used within the last five years 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. A pump, pipeline, and sprinkler 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-11938.
9. The proposed changes would not result in enlargement of the right.

10. The proposed changes would not result in injury to other water rights.
11. All other application requirements are met.

### **Determination and Proposed Action**

The additional point of appropriation and change in place of use proposed in Transfer Application T-11938 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-11938 is approved, the final order will include the following:*

1. *The additional point of appropriation and change in place of use proposed in Transfer Application T-11938 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 82723 and any related decree.*
3. *Water right Certificate 82723 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the additional point 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 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. 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.*

9. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 24 day of December, 2015.

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

This Preliminary Determination was prepared by Marcy Osborn. If you have questions about the information in this document, you may reach me at 541-523-8224 ext.228 or marcy.j.osborn@wrđ.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.