



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 18, 2016

THOMAS AND SUZANNE MOREHOUSE

PO BOX 13

CHRISTMAS VALLEY, OR 97641

SUBJECT: Water Right Transfer Application T-12177

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12177. 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 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer application file T-12177
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	)	PRELIMINARY DETERMINATION
T-12177, Lake County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN 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

THOMAS AND SUZANNE MOREHOUSE
PO BOX 13
CHRISTMAS VALLEY, OR 97641
dsuzmore@gmail.com

Findings of Fact

1. On October 7, 2015, THOMAS AND SUZANNE MOREHOUSE filed an application to change the point of appropriation and to change the place of use under Certificate 54691. The Department assigned the application number T-12177.
2. Notice of the application for transfer was published on October 13, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 29, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12177 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 29, 2015, for the applicants to respond. The applicants requested that the completion date be extended to October 1, 2022 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.
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4. The portion of the right to be transferred is as follows:

Certificate: 54691 in the name of DEPARTMENT OF VETERANS AFFAIRS
(perfected under Permit G-8195)

Use: IRRIGATION OF 18.0 ACRES

Priority Date: APRIL 19, 1978

Rate: 0.22 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 a 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 #9 within the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	13	SW SE	WELL 9 (aka WELL 1 (LAKE 992) - 1360 FEET SOUTH AND 1350 FEET WEST FROM THE E1/4 CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	13	NE SE	8.9
27 S	17 E	WM	13	NW SE	2.5
27 S	17 E	WM	13	SW SE	3.0
27 S	17 E	WM	13	SE SE	3.6
Total					18.0

5. Transfer Application T-12177 proposes to move the authorized point of appropriation approximately 2700 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	24	NW NE	WELL 2 (LAKE 1054) - 2300 FEET SOUTH AND 2500 FEET WEST FROM THE NE CORNER OF SECTION 24

6. Transfer Application T-12177 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	24	NW NE	18.0

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-12177.
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 change in point of appropriation and change in place of use proposed in Transfer Application T-12177 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.

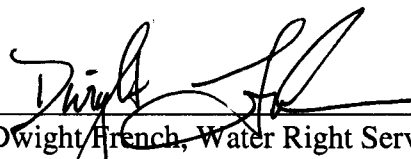
If Transfer Application T-12177 is approved, the final order will include the following:

1. *The change in point of appropriation and change in place of use proposed in Transfer Application T-12177 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 54691 and any related decree.*
3. *Water right Certificate 54691 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 new 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. *Before water use may begin, the water user shall install a totalizing flow meter at each point of appropriation, new and existing. The totalizing flow meters must be installed and maintained in good working order. In addition, 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.*
6. *Prior to using water from any well listed in this transfer, the applicant shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), 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.*
7. *Prior to use, the new and existing wells shall be configured to allow a strictly clean water (no oil) static water level measurements with an electric-tape. That can include measurement access via an unobstructed vertical discharge pipe that allows the groundwater level to fluctuate freely within the discharge pipe. Otherwise, a dedicated*

measuring tube must be installed prior to use. The tube must be unobstructed, have a diameter of 3/4 inch or greater and pursuant to figure 200-5 in OAR 690-200.

8. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
9. *The former place of use of the transferred right shall no longer receive water under the right.*
10. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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 right transferred will be issued.*

Dated at Salem, Oregon this 22 day of February, 2016.



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@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.