



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

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February 18, 2016

STEVE C. SCOTT
62526 ERICKSON RD
BEND, OR 97701

SUBJECT: Water Right Transfer Application T-12108

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12108. 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 Bend Bulletin 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@wrд.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes
Transfer Program Analyst
Transfer and Conservation Section

cc: Transfer application file T-12108
Brian Mayer, Watermaster District 12
Robert Baxter, CWRE #015

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12108, Lake County	)	PROPOSING APPROVAL OF
	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

Authority

Oregon Revised Statutes (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 Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

STEVE C. SCOTT
62526 ERICKSON RD
BEND, OR 97701
sureshotscott3006@gmail.com

Findings of Fact

1. On July 24, 2015, STEVE C. SCOTT filed an application for additional points of appropriation under Certificate 75981. The Department assigned the application number T-12108.
2. Notice of the application for transfer was published on July 28, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 6, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12108 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 8, 2016, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2022 and 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. The right to be transferred is as follows:

Certificate:	75981 in the name of STEVE C. SCOTT (perfected under Permit G-10580)
Use:	FISH REARING AND WILDLIFE HABITAT
Priority Date:	OCTOBER 28, 1985
Rate:	7.34 CUBIC FEET PER SECOND

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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Limit/Duty: This right is limited to 7.34 CUBIC FEET PER SECOND or is equivalent in case of rotation, measured at the well.

Source: THREE WELLS within the SUMMER LAKE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
29 S	17 E	WM	23	SE SE	WELL 1 - 1220 FEET NORTH AND 1190 FEET WEST FROM THE SE CORNER OF SECTION 23
29 S	17 E	WM	23	SE SE	WELL 2 - 1220 FEET NORTH AND 1230 FEET WEST FROM THE SE CORNER OF SECTION 23
29 S	17 E	WM	24	NE NW	WELL 3 - 1050 FEET NORTH AND 340 FEET EAST FROM THE SE CORNER OF SECTION 24

Authorized Place of Use:

FISH REARING & WILDLIFE HABITAT				
Twp	Rng	Mer	Sec	Q-Q
29 S	17 E	WM	23	SE SE
29 S	17 E	WM	24	SW SW
29 S	17 E	WM	25	NW NE
29 S	17 E	WM	25	SW NE
29 S	17 E	WM	25	SE NE
29 S	17 E	WM	25	NE NW
29 S	17 E	WM	25	NW NW
29 S	17 E	WM	25	SW NW
29 S	17 E	WM	25	SE NW
29 S	17 E	WM	25	NE SW
29 S	17 E	WM	25	NE SE
29 S	17 E	WM	25	NW SE

5. The proposed additional points of appropriation are described in the table below with the measured distanced from the original (authorized) points of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well locations measured in feet(ft.)		
						WELL 1	WELL 2	WELL 3
29 S	17 E	WM	24	NE NW	WELL 4 - 1050 FEET NORTH AND 340 FEET EAST FROM THE SE CORNER OF SECTION 24	400 ft.	550 ft.	990 ft.
29 S	17 E	WM	25	NE NW	WELL 5 - 285 FEET SOUTH AND 1785 FEET EAST FROM THE SE CORNER OF SECTION 23	3234 ft.	3300 ft.	1920 ft.

Transfer Review Criteria (OAR 690-380-4010)

6. 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12108.

8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

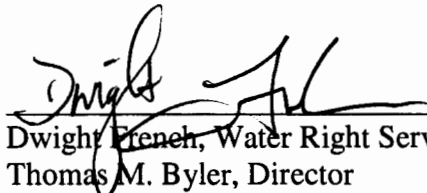
The additional points of appropriation proposed in Transfer Application T-12108 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12108 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-12108 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 75981 and any related decree.*
3. *Water right Certificate 75981 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 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 diversion (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.*
6. *Prior to using water from any well listed in this transfer, the permittee 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. *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.*

8. *"Each permitted well shall obtain groundwater solely from the predominantly basalt-volcanic rocks and sediment unit (which may contain some sedimentary layers) that underlies the predominantly basin-fill sediment unit (which may contain some basalt layers). Each well shall have continuous casing and continuous seal from land surface, through the predominantly basin-fill unit, and 5 feet into the predominantly basalt unit at minimum. Note: the depth to the predominantly basalt unit varies with location."*
9. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
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 change(s) 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@wrdd.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.