

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12998, Crook County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN 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**

IDLEWAY IMPROVEMENT DISTRICT, INC.  
ATTN: JULIE WILLIAMS  
15018 SE EASY STREET  
PRINEVILLE, OR 97754

**Findings of Fact**

1. On August 3, 2018, IDLEWAY IMPROVEMENT DISTRICT, INC., filed an application to change the points of appropriation under Certificate 93507. The Department assigned the application number T-12998.
2. Notice of the application for transfer was published on August 14, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 19, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12998 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 18, 2019, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination, provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer and requested the correction of a scrivener error in the description of the location of proposed Well 6.
4. The right to be transferred is as follows:  
**Certificate:** 93507 in the name of IDLEWAY IMPROVEMENT DISTRICT, INC.  
(perfected under Permit G-11507)

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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**Use:** QUASI-MUNICIPAL USE LIMITED TO HUMAN CONSUMPTION ONLY DURING THE TIME PERIOD OF JUNE TO OCTOBER OF EACH YEAR

**Priority Date:** NOVEMBER 20, 1987

**Rate:** 59 GALLONS PER MINUTE (GPM), FURTHER LIMITED TO 29 GPM FROM WELL 1 AND 30 GPM FROM WELL 2, IN ANY COMBINATION, OR ITS EQUIVALENT IN THE CASE OF ROTATION, MEASURED AT THE WELLS

**Source:** TWO WELLS, within the CROOKED RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	17 E	WM	29	NW SW	WELL 1 - 650 FEET SOUTH AND 18 FEET EAST FROM THE W¼ CORNER OF SECTION 29
16 S	17 E	WM	29	SE NW	WELL 2 - 1088 FEET NORTH AND 1405 FEET EAST FROM THE W¼ CORNER OF SECTION 29

**Authorized Place of Use:**

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
16 S	17 E	WM	20	NW NW
16 S	17 E	WM	20	SW NW
16 S	17 E	WM	20	NW SW
16 S	17 E	WM	29	SW NE
16 S	17 E	WM	29	SW NW
16 S	17 E	WM	29	SE NW
16 S	17 E	WM	29	NW SW
16 S	17 E	WM	29	SW SW
16 S	17 E	WM	29	NW SE

5. Transfer Application T-12998 proposes to change the points of appropriation from the authorized Wells 1 and 2 to new Well 6, approximately 30 feet west from Well 1, 2000 feet southwest from Well 2; and new Well 5, approximately 40 feet northwest from Well 2 and approximately 2000 feet northeast from Well 1, both located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
16 S	17 E	WM	29	SE NW	WELL 5 - 1095 FEET NORTH AND 1367 FEET EAST FROM THE W¼ CORNER OF SECTION 29
16 S	17 E	WM	29	NW SW	WELL 6 - 629 FEET NORTH AND 68 FEET EAST FROM THE W¼ CORNER OF SECTION 29

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

6. Water has been used within the last five years prior to the submittal of Transfer Application T-12998, 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. Two wells, pumps, pipeline, and a community water 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-12998.

8. The Department has determined that the proposed additional wells: Well 5 (CROO 51820), and Well 6 (CROO 52334), will develop the same source of water as the authorized existing Wells 1 (CROO 2694) and 2 (CROO 2699).
9. The Idleway Improvement District, Inc., is a municipality as defined in ORS Chapter 540.510(3)(b), Chapter 261 and a water supplier defined in ORS 448.115. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is not required to provide a report of ownership information.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

### **Determination and Proposed Action**

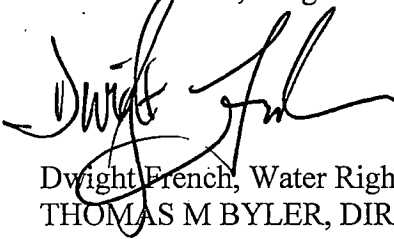
The change in point of appropriation proposed in Transfer Application T-12998 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12998 is approved, the final order will include the following:*

1. *The change in point of appropriation proposed in Transfer Application T-12998 is 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 93507 and any related decree.*
3. *Water right Certificate 93507 is cancelled.*
4. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *Water shall be acquired from the same aquifer (water source) as 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 point of appropriation.*
  - 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.*

7. *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 change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **MAY 24 2019**



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@oregon.gov](mailto:Ken.D.Dowden@oregon.gov).

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

**Notice Regarding Service Members:** Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 22, 2019

**VIA E MAIL**

IDLEWAY IMPROVEMENT DISTRICT, INC.

ATTN: JULIE WILLIAMS

15018 SE EASY STREET

PRINEVILLE, OR 97754

SUBJECT: Water Right Transfer Application T-12998

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12998. 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 Central Oregonian 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@oregon.gov](mailto:Patrick.K.Starnes@oregon.gov) if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application T-12998  
Jeremy T Giffin, District 11 Watermaster **(via e-mail)**  
Dirk P. Duryee, CWRE #65694 **(via e-mail)**

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