

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

In the Matter of Transfer Application) T-13228, Hood River County))	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN PLACE OF USE
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Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, 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

MEADOWS UTILITIES, INC.
C/O STEVE WARILA
PO BOX 470
MT. HOOD, OR 97041

Findings of Fact

1. On July 23, 2019, MEADOWS UTILITIES, INC., C/O STEVE WARILA filed an application to change the place of use under Certificate 48445. The Department assigned the application number T-13228.
2. Notice of the application for transfer was published on July 30, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 17, 2019, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The Department requested that the deficiency be resolved by October 16, 2019. The applicant submitted a revised Table 2, resolving the deficiency the same day.
4. On October 17, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13228 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 18, 2019, for the applicant to respond. The applicant requested 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.

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 right to be transferred is as follows:

Certificate: 48445 in the name of MT. HOOD MEADOWS DEVELOPMENT CORP.
(perfected under Permit S-38081)
Use: SKI FACILITY AND FIRE SUPPRESSION
Priority Date: FEBRUARY 9, 1973
Rate: 0.22 CUBIC FOOT PER SECOND (CFS), BEING 0.21 CFS FOR SKI FACILITY AND 0.01 CFS FOR FIRE SUPPRESSION SYSTEM
Source: UNNAMED SPRING, a tributary of EAST FORK HOOD RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	9 E	WM	4	SE NE	SPRING - 2730 FEET NORTH AND 1000 FEET WEST FROM THE SE CORNER OF SECTION 4

Authorized Place of Use:

SKI FACILITY AND FIRE SUPPRESSION				
Twp	Rng	Mer	Sec	Q-Q
3 S	9 E	WM	3	SW SW
3 S	9 E	WM	4	SE SE

6. Transfer Application T-13228 proposes to change the place of use of the right to:

SKI FACILITY AND FIRE SUPPRESSION				
Twp	Rng	Mer	Sec	Q-Q
2 S	9 E	WM	27	SE SE
2 S	9 E	WM	28	SW SW
2 S	9 E	WM	28	SE SW
2 S	9 E	WM	28	SW SE
2 S	9 E	WM	28	SE SE
2 S	9 E	WM	33	NE NE
2 S	9 E	WM	33	NW NE
2 S	9 E	WM	33	SW NE
2 S	9 E	WM	33	SE NE
2 S	9 E	WM	33	NE NW
2 S	9 E	WM	33	NW NW
2 S	9 E	WM	33	SW NW
2 S	9 E	WM	33	SE NW
2 S	9 E	WM	33	NE SW
2 S	9 E	WM	33	NW SW
2 S	9 E	WM	33	SW SW
2 S	9 E	WM	33	SE SW
2 S	9 E	WM	33	NE SE
2 S	9 E	WM	33	NW SE
2 S	9 E	WM	33	SW SE
2 S	9 E	WM	33	SE SE
2 S	9 E	WM	34	SE NE
2 S	9 E	WM	34	NE NW
2 S	9 E	WM	34	NW NW
2 S	9 E	WM	34	SW NW
2 S	9 E	WM	34	SE NW
2 S	9 E	WM	34	NE SW
2 S	9 E	WM	34	NW SW

SKI FACILITY AND FIRE SUPPRESSION				
Twp	Rng	Mer	Sec	Q-Q
2 S	9 E	WM	34	SW SW
2 S	9 E	WM	34	SE SW
2 S	9 E	WM	34	NE SE
2 S	9 E	WM	34	NW SE
2 S	9 E	WM	34	SW SE
2 S	9 E	WM	34	SE SE
2 S	9 E	WM	35	SW SW
3 S	9 E	WM	2	NW NW
3 S	9 E	WM	2	SW NW
3 S	9 E	WM	2	NW SW
3 S	9 E	WM	2	SW SW
3 S	9 E	WM	2	SE SW
3 S	9 E	WM	3	NE NE
3 S	9 E	WM	3	NW NE
3 S	9 E	WM	3	SW NE
3 S	9 E	WM	3	SE NE
3 S	9 E	WM	3	NE NW
3 S	9 E	WM	3	NW NW
3 S	9 E	WM	3	SW NW
3 S	9 E	WM	3	SE NW
3 S	9 E	WM	3	NE SW
3 S	9 E	WM	3	NW SW
3 S	9 E	WM	3	SW SW
3 S	9 E	WM	3	SE SW
3 S	9 E	WM	3	NE SE
3 S	9 E	WM	3	NW SE
3 S	9 E	WM	3	SW SE
3 S	9 E	WM	3	SE SE
3 S	9 E	WM	4	NE NE
3 S	9 E	WM	4	NW NE
3 S	9 E	WM	4	SW NE
3 S	9 E	WM	4	SE NE
3 S	9 E	WM	4	NE NW
3 S	9 E	WM	4	NW NW
3 S	9 E	WM	4	SW NW
3 S	9 E	WM	4	SE NW
3 S	9 E	WM	4	NE SW
3 S	9 E	WM	4	NW SW
3 S	9 E	WM	4	SW SW
3 S	9 E	WM	4	SE SW
3 S	9 E	WM	4	NE SE
3 S	9 E	WM	4	NW SE
3 S	9 E	WM	4	SW SE
3 S	9 E	WM	4	SE SE
3 S	9 E	WM	9	NE NE
3 S	9 E	WM	9	NW NE
3 S	9 E	WM	9	SW NE
3 S	9 E	WM	9	SE NE
3 S	9 E	WM	9	NE NW
3 S	9 E	WM	10	NE NE
3 S	9 E	WM	10	NW NE

SKI FACILITY AND FIRE SUPPRESSION				
Twp	Rng	Mer	Sec	Q-Q
3 S	9 E	WM	10	SW NE
3 S	9 E	WM	10	SE NE
3 S	9 E	WM	10	NE NW
3 S	9 E	WM	10	NW NW
3 S	9 E	WM	10	SW NW
3 S	9 E	WM	10	SE NW
3 S	9 E	WM	10	NE SW
3 S	9 E	WM	10	NW SW
3 S	9 E	WM	10	NE SE
3 S	9 E	WM	10	NW SE
3 S	9 E	WM	10	SW SE
3 S	9 E	WM	10	SE SE
3 S	9 E	WM	11	NE NE
3 S	9 E	WM	11	NW NE
3 S	9 E	WM	11	SW NE
3 S	9 E	WM	11	SE NE
3 S	9 E	WM	11	NE NW
3 S	9 E	WM	11	NW NW
3 S	9 E	WM	11	SW NW
3 S	9 E	WM	11	SE NW
3 S	9 E	WM	11	NE SW
3 S	9 E	WM	11	NW SW
3 S	9 E	WM	11	SW SW
3 S	9 E	WM	11	SE SW
3 S	9 E	WM	11	NE SE
3 S	9 E	WM	11	NW SE
3 S	9 E	WM	11	SW SE
3 S	9 E	WM	11	SE SE
3 S	9 E	WM	12	SW NW
3 S	9 E	WM	12	NW SW
3 S	9 E	WM	14	NW NW
3 S	9 E	WM	14	SW NW
3 S	9 E	WM	15	NE NE
3 S	9 E	WM	15	SE NE

Transfer Review Criteria [OAR 690-380-4010(2)]

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 diversion structure and delivery 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-13228.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Determination and Proposed Action

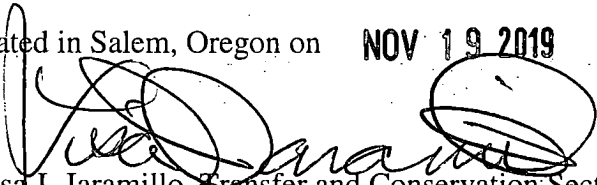
The change in place of use proposed in Transfer Application T-13228 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-13228 is approved, the final order will include the following:

- 1. The change in place of use proposed in Transfer Application T-13228 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 48445 and any related decree.*
- 3. Water right Certificate 48445 is cancelled.*
- 4. 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.*
- 5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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.*

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

Dated in Salem, Oregon on **NOV 19 2019**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@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

November 19, 2019

MEADOWS UTILITIES, INC.
C/O STEVE WARILA
PO BOX 470
MT. HOOD, OR 97041

SUBJECT: Water Right Transfer Application T-13228

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13228. 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, 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 Department's notice.

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 corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13228
Robert L. Wood, District 3 Watermaster (via e-mail)
Elizabeth Howard, Agent for the applicant (via e-mail)

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