

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

In the Matter of Transfer Application            )  
T-12850, Lake County                            )  
  )  
  )    **PRELIMINARY DETERMINATION  
PROPOSING APPROVAL FOR AN  
ADDITIONAL POINT 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**

TAYLOR RANCH INC.  
17980 TAYLOR RANCH LANE  
PLUSH, OR 97637

**Agent**

HOLLIE CANNON, WATER RIGHT SOLUTIONS, LLC  
3246 HAMMER STREET  
KLAMATH FALLS, OR 97603

**Findings of Fact**

1. On February 15, 2018, TAYLOR RANCH INC., filed an application for an additional point of appropriation under Certificate 31260. The Department assigned the application number T-12850.
2. Notice of the application for transfer was published on February 27, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 26, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12850 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 25, 2020, 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.

4. The right to be transferred is as follows:

**Certificate:** 31260 in the name of TAYLOR RANCH, INC. (perfected under Permit G-1185)  
**Use:** SUPPLEMENTAL IRRIGATION of 292.0 ACRES  
**Priority Date:** OCTOBER 28, 1958  
**Rate:** 3.65 CUBIC FEET 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 ONE-EIGHTIETH of one cubic foot per second per acre, 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:** TAYLOR WELL No. 1, a tributary of HONEY CREEK (Hart Lake)

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
36 S	24 E	WM	33	NW NE	TAYLOR WELL No. 1 - 364 FEET SOUTH AND 15 FEET EAST FROM THE N¼ CORNER OF SECTION 33

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q - Q	Acres
36 S	24 E	WM	33	NE NE	37.7
36 S	24 E	WM	33	NW NE	18.8
36 S	24 E	WM	33	SW NE	40.1
36 S	24 E	WM	33	SE NE	40.3
36 S	24 E	WM	33	NE SE	37.0
36 S	24 E	WM	33	NW SE	39.8
36 S	24 E	WM	33	SW SE	40.0
36 S	24 E	WM	33	SE SE	38.3
Total:					292.0

5. Transfer Application T-12850 proposes an additional point of appropriation to the above described right south approximately 270 feet from the original point of appropriation and is described as follows:

Twp	Rng	Mer	Sec	Q - Q	Measured Distances
36 S	24 E	WM	33	NW NE	WELL #2 - 631 FEET SOUTH AND 51 FEET EAST FROM THE N¼ CORNER OF SECTION 33

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

6. The Department has determined that the proposed new point of appropriation (Well #2 - LAKE 52821) develops the same ground water aquifer as the authorized point of appropriation (*Taylor Well #1 - LAKE 1886/1887*). Under OAR 690-380-2110, any request for a change in (or additional) point of appropriation is restricted to the same aquifer.
7. Water has been used within the five years prior to the submittal of Transfer Application T-12850 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 well, pump and ditch 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-12850.
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**

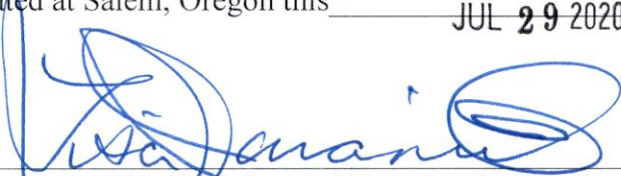
The additional point of appropriation proposed in Transfer Application T-12850 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-12850 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-12850 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 31260 and any related decree.*
3. *Water right Certificate 31260 is cancelled.*
4. *The quantity of water diverted at the new additional point of appropriation (Well #2), together with that diverted at the original point of appropriation (Taylor Well No. 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Taylor Well No. 1).*
5. *Water shall be acquired from the same aquifer (water source) as the original point 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 the 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.*

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

Dated at Salem, Oregon this           JUL 29 2020          .



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

This Preliminary Determination was prepared by Ken Dowden. T-12850 has been assigned to 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](mailto: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*

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.



# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 29, 2020

TAYLOR RANCH INC.  
17980 TAYLOR RANCH LANE  
PLUSH, OR 97637

SUBJECT: Water Right Transfer Application T-12850

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12850. 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.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me, at [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) or (503) 986-0825, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" and last name "Courchane" clearly distinguishable.

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: T-12850  
Brian Mayer, District 12 Watermaster (*via e-mail*)  
Hollie Cannon, Agent for the applicant (*via e-mail*)

encs