



# Oregon

Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

April 1, 2021

**Applicant**

STEPHEN and EMMA JEAN PITTMAN  
2739 E MARIQUITA STREET  
LONG BEACH, CA 90803

**Receiving Landowner**

LOUIS P. PARIS  
956 MOORE DRIVE  
CHELSEA, MI 48118

**SUBJECT:** Water Right Transfer Application T-13516

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13516. 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.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: Transfer Application file T-13516  
Susan M. Douthit, District 15 Watermaster *(via e-mail)*  
Nathan R. Reed, Agent for the applicant *(via e-mail)*  
Louis P. Paris, Receiving Landowner *(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-13516, Douglas County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF DIVERSION

**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.

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**Findings of Fact**

1. On September 15, 2020, STEPHEN and EMMA JEAN PITTMAN filed an application to change the point of diversion under Certificate 54145. The Department assigned the application number T-13516.
2. LOUIS P. PARIS is the receiving landowner who will be responsible for completion of the changes.
3. Notice of the application for transfer was published on September 15, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
4. On February 1, 2021, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13516 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 5, 2021, 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.
5. The right to be transferred is as follows:  

<b>Certificate:</b>	54145 in the name of BERT A. STIMSON (perfected under Permit S-37914)
<b>Use:</b>	IRRIGATION of 2.5 ACRES and DOMESTIC USE FOR ONE FAMILY

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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**Priority Date:** MARCH 21, 1973

**Rate:** 0.035 CUBIC FOOT PER SECOND (CFS), BEING 0.03 CFS FOR IRRIGATION AND 0.005 CFS FOR DOMESTIC

**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 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** NORTH UMPQUA RIVER, tributary to UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
26 S	4 W	WM	19	SW NW	3	120 FEET NORTH AND 40 FEET WEST FROM THE NE CORNER OF LOT 27, EAGLE POINT ESTATES

**Authorized Place of Use:**

DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	GLot
26 S	4 W	WM	19	SW NW	3

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	4 W	WM	19	SW NW	3	2.5

6. Transfer Application T-13516 proposes to move the authorized point of diversion approximately 175 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
26 S	4 W	WM	19	SW NW	3	POD 1 - 774 FEET NORTH AND 718 FEET EAST FROM THE W1/4 CORNER OF SECTION 19

7. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

8. 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.

9. A diversion structure and ditch 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-13516.
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 diversion proposed in Transfer Application T-13516 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.

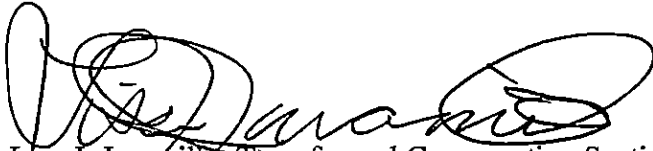
*If Transfer Application T-13516 is approved, the final order will include the following:*

1. *The change in point of diversion proposed in Transfer Application T-13516 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 54145 and any related decree.*
3. *Water right Certificate 54145 is cancelled.*
4. *The quantity of water diverted at the new point of diversion (POD 1), shall not exceed the quantity of water lawfully available at the original point of diversion.*
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.*
  - 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 diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*

7. *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 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

**APR 01 2021**



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

*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.*

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**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.