

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

In the Matter of Transfer Application) FINAL ORDER
T-12120, Lane County) APPROVING A CHANGE IN
) CHARACTER OF USE

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

US BUREAU OF RECLAMATION
ATTN: CAROLYN CHAD
1917 MARSH RD
YAKIMA, WA 98901

Findings of Fact

1. On July 31, 2015, US BUREAU OF RECLAMATION filed an application to change the character of use under Certificate 72755. The Department assigned the application number T-12120.
2. Notice of the application for transfer was published on August 4, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 11, 2015, the Department e-mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12120 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 11, 2015, for the applicant to respond. The applicant requested that the Department clarify wording in the draft preliminary determination regarding the quantity of water involved in the transfer and instructed the Department to proceed, once the clarification is complete, with issuance of a Preliminary Determination.
4. On March 3, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12120 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 8, 2016, and in the Cottage Grove Sentinel News

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

newspaper on March 16 and 23, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

5. On June 8, 2016, the applicant requested five years to complete the transfer per OAR 690-380-5140(3).
6. The portion of the right to be transferred is as follows:

Certificate: 72755 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit R-1625)
Use: STORAGE FOR IRRIGATION
Priority Date: AUGUST 16, 1954
Quantity: 437.0 ACRE-FEET FROM COTTAGE GROVE AND DORENA LAKE RESERVOIRS IN ANY COMBINATION
Sources: COAST FORK WILLAMETTE RIVER IN COTTAGE GROVE RESERVOIR AND ROW RIVER IN DORENA RESERVOIR, tributaries to the COAST FORK WILLAMETTE RIVER

Authorized Places of Use:

COTTAGE GROVE RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
21 S	3 W	WM	27	NE NE
21 S	3 W	WM	27	NW NE
21 S	3 W	WM	27	SW NE
21 S	3 W	WM	27	SE NE
21 S	3 W	WM	27	NE NW
21 S	3 W	WM	27	NW NW
21 S	3 W	WM	27	SW NW
21 S	3 W	WM	27	SE NW
21 S	3 W	WM	27	NE SW
21 S	3 W	WM	27	NW SW
21 S	3 W	WM	27	SW SW
21 S	3 W	WM	27	SE SW
21 S	3 W	WM	27	NE SE
21 S	3 W	WM	27	NW SE
21 S	3 W	WM	27	SW SE
21 S	3 W	WM	27	SE SE
21 S	3 W	WM	28	NE NE
21 S	3 W	WM	28	NW NE
21 S	3 W	WM	28	SW NE
21 S	3 W	WM	28	SE NE
21 S	3 W	WM	28	NE NW
21 S	3 W	WM	28	NW NW
21 S	3 W	WM	28	SW NW
21 S	3 W	WM	28	SE NW
21 S	3 W	WM	28	NE SW
21 S	3 W	WM	28	NW SW
21 S	3 W	WM	28	SW SW
21 S	3 W	WM	28	SE SW
21 S	3 W	WM	28	NE SE

DORENA RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
20 S	2 W	WM	32	NE NE
20 S	2 W	WM	32	NW NE
20 S	2 W	WM	32	SW NE
20 S	2 W	WM	32	SE NE
20 S	2 W	WM	32	NE NW
20 S	2 W	WM	32	NW NW
20 S	2 W	WM	32	SW NW
20 S	2 W	WM	32	SE NW
20 S	2 W	WM	32	NE SW
20 S	2 W	WM	32	NW SW
20 S	2 W	WM	32	SW SW
20 S	2 W	WM	32	SE SW
20 S	2 W	WM	32	NE SE
20 S	2 W	WM	32	NW SE
20 S	2 W	WM	32	SW SE
20 S	2 W	WM	32	SE SE
20 S	2 W	WM	33	NE NE
20 S	2 W	WM	33	NW NE
20 S	2 W	WM	33	SW NE
20 S	2 W	WM	33	SE NE
20 S	2 W	WM	33	NE NW
20 S	2 W	WM	33	NW NW
20 S	2 W	WM	33	SW NW
20 S	2 W	WM	33	SE NW
20 S	2 W	WM	33	NE SW
20 S	2 W	WM	33	NW SW
20 S	2 W	WM	33	SW SW
20 S	2 W	WM	33	SE SW
20 S	2 W	WM	33	NE SE

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Twp	Rng	Mer	Sec	Q-Q
21 S	3 W	WM	28	NW SE
21 S	3 W	WM	28	SW SE
21 S	3 W	WM	28	SE SE
21 S	3 W	WM	29	NE NE
21 S	3 W	WM	29	NW NE
21 S	3 W	WM	29	SW NE
21 S	3 W	WM	29	SE NE
21 S	3 W	WM	29	NE NW
21 S	3 W	WM	29	NW NW
21 S	3 W	WM	29	SW NW
21 S	3 W	WM	29	SE NW
21 S	3 W	WM	29	NE SW
21 S	3 W	WM	29	NW SW
21 S	3 W	WM	29	SW SW
21 S	3 W	WM	29	SE SW
21 S	3 W	WM	29	NE SE
21 S	3 W	WM	29	NW SE
21 S	3 W	WM	29	SW SE
21 S	3 W	WM	29	SE SE
21 S	3 W	WM	32	NE NE
21 S	3 W	WM	32	NW NE
21 S	3 W	WM	32	SW NE
21 S	3 W	WM	32	SE NE
21 S	3 W	WM	32	NE NW
21 S	3 W	WM	32	NW NW
21 S	3 W	WM	32	SW NW
21 S	3 W	WM	32	SE NW
21 S	3 W	WM	32	NE SW
21 S	3 W	WM	32	NW SW
21 S	3 W	WM	32	SW SW
21 S	3 W	WM	32	SE SW
21 S	3 W	WM	32	NE SE
21 S	3 W	WM	32	NW SE
21 S	3 W	WM	32	SW SE
21 S	3 W	WM	32	SE SE
21 S	3 W	WM	33	NE NE
21 S	3 W	WM	33	NW NE
21 S	3 W	WM	33	SW NE
21 S	3 W	WM	33	SE NE
21 S	3 W	WM	33	NE NW
21 S	3 W	WM	33	NW NW
21 S	3 W	WM	33	SW NW
21 S	3 W	WM	33	SE NW
21 S	3 W	WM	33	NE SW
21 S	3 W	WM	33	NW SW
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21 S	3 W	WM	33	SE SW
21 S	3 W	WM	33	NE SE
21 S	3 W	WM	33	NW SE

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20 S	2 W	WM	33	SE SE
20 S	2 W	WM	34	NE NE
20 S	2 W	WM	34	NW NE
20 S	2 W	WM	34	SW NE
20 S	2 W	WM	34	SE NE
20 S	2 W	WM	34	NE NW
20 S	2 W	WM	34	NW NW
20 S	2 W	WM	34	SW NW
20 S	2 W	WM	34	SE NW
20 S	2 W	WM	34	NE SW
20 S	2 W	WM	34	NW SW
20 S	2 W	WM	34	SW SW
20 S	2 W	WM	34	SE SW
20 S	2 W	WM	34	NE SE
20 S	2 W	WM	34	NW SE
20 S	2 W	WM	34	SW SE
20 S	2 W	WM	34	SE SE
21 S	2 W	WM	2	NE NE
21 S	2 W	WM	2	NW NE
21 S	2 W	WM	2	SW NE
21 S	2 W	WM	2	SE NE
21 S	2 W	WM	2	NE NW
21 S	2 W	WM	2	NW NW
21 S	2 W	WM	2	SW NW
21 S	2 W	WM	2	SE NW
21 S	2 W	WM	2	NE SW
21 S	2 W	WM	2	NW SW
21 S	2 W	WM	2	SW SW
21 S	2 W	WM	2	SE SW
21 S	2 W	WM	2	NE SE
21 S	2 W	WM	2	NW SE
21 S	2 W	WM	2	SW SE
21 S	2 W	WM	2	SE SE
21 S	2 W	WM	3	NE NE
21 S	2 W	WM	3	NW NE
21 S	2 W	WM	3	SW NE
21 S	2 W	WM	3	SE NE
21 S	2 W	WM	3	NE NW
21 S	2 W	WM	3	NW NW
21 S	2 W	WM	3	SW NW
21 S	2 W	WM	3	SE NW
21 S	2 W	WM	3	NE SW
21 S	2 W	WM	3	NW SW
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21 S	2 W	WM	3	NW SE

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Twp	Rng	Mer	Sec	Q-Q
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21 S	3 W	WM	33	SE SE
22 S	3 W	WM	4	NE NE
22 S	3 W	WM	4	NW NE
22 S	3 W	WM	4	SW NE
22 S	3 W	WM	4	SE NE
22 S	3 W	WM	4	NE NW
22 S	3 W	WM	4	NW NW
22 S	3 W	WM	4	SW NW
22 S	3 W	WM	4	SE NW
22 S	3 W	WM	4	NE SW
22 S	3 W	WM	4	NW SW
22 S	3 W	WM	4	SW SW
22 S	3 W	WM	4	SE SW
22 S	3 W	WM	4	NE SE
22 S	3 W	WM	4	NW SE
22 S	3 W	WM	4	SW SE
22 S	3 W	WM	4	SE SE
22 S	3 W	WM	5	NE NE
22 S	3 W	WM	5	NW NE
22 S	3 W	WM	5	SW NE
22 S	3 W	WM	5	SE NE
22 S	3 W	WM	5	NE NW
22 S	3 W	WM	5	NW NW
22 S	3 W	WM	5	SW NW
22 S	3 W	WM	5	SE NW
22 S	3 W	WM	5	NE SW
22 S	3 W	WM	5	NW SW
22 S	3 W	WM	5	SW SW
22 S	3 W	WM	5	SE SW
22 S	3 W	WM	5	NE SE
22 S	3 W	WM	5	NW SE
22 S	3 W	WM	5	SW SE
22 S	3 W	WM	5	SE SE
22 S	3 W	WM	8	NE NE
22 S	3 W	WM	8	NW NE
22 S	3 W	WM	8	SW NE
22 S	3 W	WM	8	SE NE
22 S	3 W	WM	8	NE NW
22 S	3 W	WM	8	NW NW
22 S	3 W	WM	8	SW NW
22 S	3 W	WM	8	SE NW
22 S	3 W	WM	8	NE SW
22 S	3 W	WM	8	NW SW
22 S	3 W	WM	8	SW SW
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21 S	2 W	WM	4	SW NE
21 S	2 W	WM	4	SE NE
21 S	2 W	WM	4	NE NW
21 S	2 W	WM	4	NW NW
21 S	2 W	WM	4	SW NW
21 S	2 W	WM	4	SE NW
21 S	2 W	WM	4	NE SW
21 S	2 W	WM	4	NW SW
21 S	2 W	WM	4	SW SW
21 S	2 W	WM	4	SE SW
21 S	2 W	WM	4	NE SE
21 S	2 W	WM	4	NW SE
21 S	2 W	WM	4	SW SE
21 S	2 W	WM	4	SE SE
21 S	2 W	WM	5	NE NE
21 S	2 W	WM	5	NW NE
21 S	2 W	WM	5	SW NE
21 S	2 W	WM	5	SE NE
21 S	2 W	WM	5	NE NW
21 S	2 W	WM	5	NW NW
21 S	2 W	WM	5	SW NW
21 S	2 W	WM	5	SE NW
21 S	2 W	WM	5	NE SW
21 S	2 W	WM	5	NW SW
21 S	2 W	WM	5	SW SW
21 S	2 W	WM	5	SE SW
21 S	2 W	WM	5	NE SE
21 S	2 W	WM	5	NW SE
21 S	2 W	WM	5	SW SE
21 S	2 W	WM	5	SE SE
21 S	2 W	WM	10	NE NE
21 S	2 W	WM	10	NW NE
21 S	2 W	WM	10	SW NE
21 S	2 W	WM	10	SE NE
21 S	2 W	WM	10	NE NW
21 S	2 W	WM	10	NW NW
21 S	2 W	WM	10	SW NW
21 S	2 W	WM	10	SE NW
21 S	2 W	WM	10	NE SW
21 S	2 W	WM	10	NW SW
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Twp	Rng	Mer	Sec	Q-Q
21 S	2 W	WM	10	SE SE
21 S	2 W	WM	11	NE NE
21 S	2 W	WM	11	NW NE
21 S	2 W	WM	11	SW NE
21 S	2 W	WM	11	SE NE
21 S	2 W	WM	11	NE NW
21 S	2 W	WM	11	NW NW
21 S	2 W	WM	11	SW NW
21 S	2 W	WM	11	SE NW
21 S	2 W	WM	11	NE SW
21 S	2 W	WM	11	NW SW
21 S	2 W	WM	11	SW SW
21 S	2 W	WM	11	SE SW
21 S	2 W	WM	11	NE SE
21 S	2 W	WM	11	NW SE
21 S	2 W	WM	11	SW SE
21 S	2 W	WM	11	SE SE
21 S	2 W	WM	13	NE NE
21 S	2 W	WM	13	NW NE
21 S	2 W	WM	13	SW NE
21 S	2 W	WM	13	SE NE
21 S	2 W	WM	13	NE NW
21 S	2 W	WM	13	NW NW
21 S	2 W	WM	13	SW NW
21 S	2 W	WM	13	SE NW
21 S	2 W	WM	13	NE SW
21 S	2 W	WM	13	NW SW
21 S	2 W	WM	13	SW SW
21 S	2 W	WM	13	SE SW
21 S	2 W	WM	13	NE SE
21 S	2 W	WM	13	NW SE
21 S	2 W	WM	13	SW SE
21 S	2 W	WM	13	SE SE
21 S	2 W	WM	14	NE NE
21 S	2 W	WM	14	NW NE
21 S	2 W	WM	14	SW NE
21 S	2 W	WM	14	SE NE
21 S	2 W	WM	14	NE NW
21 S	2 W	WM	14	NW NW
21 S	2 W	WM	14	SW NW
21 S	2 W	WM	14	SE NW
21 S	2 W	WM	14	NE SW
21 S	2 W	WM	14	NW SW
21 S	2 W	WM	14	SW SW
21 S	2 W	WM	14	SE SW
21 S	2 W	WM	14	NE SE
21 S	2 W	WM	14	NW SE
21 S	2 W	WM	14	SW SE
21 S	2 W	WM	14	SE SE

7. Transfer Application T-12120 proposes to change the character of use of the above described 437.0 acre feet to storage for municipal and industrial use.

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 dam structure sufficient to use the full amount of water allowed under the existing right is present within the five-year period prior to submittal of Transfer Application T-12120.
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.

Conclusions of Law

The change in character of use proposed in Transfer Application T-12120 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in character of use proposed in Transfer Application T-12120 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 72755 and any related decree.
3. Water right Certificate 72755 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. 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.
5. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 10 day of June, 2016.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 16 2016