

Authorized Place of Use:

NUCLEAR PLANT COOLING

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 N	2 W	WM	1	NW NW	1	NA
6 N	2 W	WM	2	NE NE		NA
7 N	2 W	WM	35	SE SE		NA
7 N	2 W	WM	36	SW SW	3	NA

- On September 2, 2004 the applicant submitted notification of a specific to general industrial use change (Nuclear Plant Cooling to General Industrial use) for 89.1 cfs under the right evidenced by Certificate 73396, as allowed under OAR 690-380-2340. The notice meets the requirements of OAR 690-380-2340, thereby allowing the exercise of the right for general industrial use at the authorized place of use. However, the notification does not result in issuance of a superseding certificate to document a permanent change in the right of record.
- Application T-10010 proposes to add a point of diversion approximately 17 miles downstream in the source at the following location:

Township		Range		Meridian	Sec	¼ ¼	DLC	Survey Coordinates
8	N	4	W	W.M.	15	SE SE	39	2800 feet North and 560 feet West from the East ¼ Corner of Section 22

- Application T-10010 proposes to change the place of use of the 5.4 cfs portion of the right to:

Township		Range		Meridian	Sec	¼ ¼	Lot	Acres
8	N	4	W	W.M.	15	SW SW	4	NA
8	N	4	W	W.M.	16	SE SE	8	NA
8	N	4	W	W.M.	21	NE NE		NA
8	N	4	W	W.M.	22	NW NW	1	NA

- Application T-10010 proposes to change the character of use to industrial.
- Notice of the application for transfer was published on October 4, 2005 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens. The proposed point of diversion is equipped with a fish screen that was previously approved by the Oregon Department of Fish and Wildlife and the Marine Fisheries (US Army Corps of Engineers Permit #200200448).
- Water has been used within the last five years for industrial uses according to the terms and conditions of the right and the notification pursuant to OAR 690-380-2340, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A diversion structure and equipment to use the full amount of water allowed under the existing right have been present within the last five years, including pumps, and distribution piping.
11. The proposed change would not result in enlargement of the right
12. The proposed change would not result in injury to other water rights.
13. On April 20, 2006, the Department issued a preliminary determination proposing to approve Transfer T-10010 and mailed a copy to the applicant. Additionally, notice of the preliminary determination for the transfer application was published on the Department's weekly notice on April 25, 2006, and in The Clatskanie Chief newspaper on May 25 and June 1 and 8, 2006 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Conclusions of Law

The proposed changes in place of use, character of use and an additional point of diversion in application T-10010 are consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

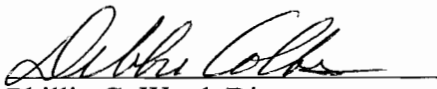
Now, therefore, it is ORDERED:

1. The proposed changes in place of use, character of use and an additional point of diversion in application T-10010 are approved.
2. Water right certificate 73396 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. 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 73396 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. The quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. The former place of use of the transferred water shall no longer receive water as part of this right.
7. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of

water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

8. The water user shall maintain a fish screen or fish by-pass device, as appropriate, at the proposed point of diversion. The screen or fish by-pass device must be approved by Oregon Department of Fish and Wildlife.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon this 14 day of July 2006.


Phillip C. Ward, Director

Mailing date: JUL 21 2006