

Priority Date: AUGUST 19, 1993
Rate: 119.01 ACRE-FEET PER YEAR FROM WILLAMETTE BASIN PROJECT RESERVOIRS
Period of Use: March 1 through October 31 for stored water or as may be further limited by the Bureau of Reclamation water supply contract
Source: WILLAMETTE BASIN PROJECT RESERVOIRS, tributary to the WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	23	SE SW	WILLAMETTE RIVER DIVERSION: 450 FEET NORTH AND 1520 FEET EAST FROM THE SW CORNER OF SECTION 23

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	4 W	WM	26	NW NW	10.4
9 S	4 W	WM	26	SW NW	12.2
9 S	4 W	WM	27	NE NE	29.2
9 S	4 W	WM	27	NW NE	17.0
9 S	4 W	WM	27	SW NE	26.4
9 S	4 W	WM	27	SE NE	20.0
9 S	4 W	WM	27	SE NW	13.1
9 S	4 W	WM	27	NE SW	23.5
9 S	4 W	WM	27	SE SW	24.0
9 S	4 W	WM	27	NW SE	4.1
9 S	4 W	WM	27	SW SE	16.4

6. The portion of the second right to be transferred is as follows:

Certificate: 83673 in the name of HIRAM G. OLSEN (perfected under Permit S-52679)
Use: SUPPLEMENTAL IRRIGATION OF 548.7 ACRES
Priority Date: AUGUST 19, 1993
Rate: 332.64 ACRE FEET FROM THE WILLAMETTE BASIN PROJECT RESERVOIRS
Period of Use: March 1 through October 31 for stored water or as may be further limited by the Bureau of Reclamation Water Supply Contract
Source: WILLAMETTE BASIN PROJECT RESERVOIRS, tributary to the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	23	SE SW	WILLAMETTE RIVER DIVERSION: 450 FEET NORTH AND 1520 FEET EAST FROM THE SW CORNER OF SECTION 23

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
9 S	4 W	WM	15	SW NW	19.2
9 S	4 W	WM	15	SE NW	3.0
9 S	4 W	WM	15	NE SW	18.0
9 S	4 W	WM	15	NW SW	39.0
9 S	4 W	WM	15	SW SW	38.4
9 S	4 W	WM	15	SE SW	18.6
9 S	4 W	WM	16	SE NE	15.1
9 S	4 W	WM	16	NE SE	30.8
9 S	4 W	WM	16	SE SE	36.7
9 S	4 W	WM	21	NE NE	33.6
9 S	4 W	WM	21	SE NE	27.5
9 S	4 W	WM	22	NE NE	12.1
9 S	4 W	WM	22	NW NE	13.2
9 S	4 W	WM	22	SW NE	40.0
9 S	4 W	WM	22	SE NE	21.0
9 S	4 W	WM	22	NE NW	25.0
9 S	4 W	WM	22	NW NW	38.4
9 S	4 W	WM	22	SW NW	28.4
9 S	4 W	WM	22	SE NW	33.5
9 S	4 W	WM	22	NE SW	16.2
9 S	4 W	WM	22	NE SE	10.6
9 S	4 W	WM	22	NW SE	30.4

7. Transfer Application T-9662 proposes to move the authorized point of diversion for Certificates 81322 and 83673 approximately 2165 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
9 S	4 W	WM	26	SW SW	1650 FEET SOUTH AND 1000 FEET EAST FROM THE SW CORNER OF SECTION 23

8. Notice of the application for transfer was published on March 30, 2004, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. 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.
10. On September 9, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-9662 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 11, 2010, 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.

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

11. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-9662.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion proposed in Transfer Application T-9662 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.

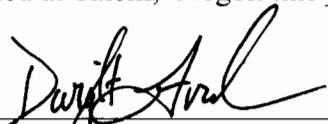
If Transfer Application T-9662 is approved, the final order will include the following:

1. *The change in point of diversion proposed in Transfer Application T-9662 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 Certificates 81322 and 83673 and any related decree.*
3. *Water right certificates 81322 and 83673 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer*
4. *The quantity of water diverted at the new point of diversion, 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 meter or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meter or measuring devices; provided however, where the meter 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. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2012**. 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. *When satisfactory proof of the completed change is received, a new certificate confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 22 day of October 2010.



Dwight French, for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Kara Morris. If you have questions about the information in this document, you may reach me at 503-986-0898 or Kara.B.Morris@wr.d.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.