

be ordered by the proper state officer, provided further water shall not be appropriated during the period from July 31 through September 15 of each year except for stored water.

Sources: AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-1932, tributaries of the TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	36	SE SW	1000 FEET NORTH AND 240 FEET WEST FROM THE S¼ CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SW NE	13.2
1 S	3 W	WM	36	SE NW	12.9

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

Certificate: 76062 in the names of RICHARD L. AND SANDRA M. TWIGG (perfected under Permit G-10621)

Use: SUPPLEMENTAL IRRIGATION OF 26.1 ACRES

Priority Date: MAY 12, 1986

Rate: 23.8 GALLONS PER MINUTE

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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: A WELL within the TUALATIN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	36	SE SW	1100 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER OF SECTION 36

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SW NE	13.2
1 S	3 W	WM	36	SE NW	12.9

4. Transfer Application T-11176 proposes to change the place of use of the rights to:

IRRIGATION AND SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	NW SW	26.1

5. Notice of the application for transfer was published on January 4, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On February 9, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11176 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 14, 2011, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
7. On March 2, 2011, the applicants requested to change the completion date of the transfer to October 1, 2013.

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 rights are subject to forfeiture under ORS 540.610.
9. 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-11176.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

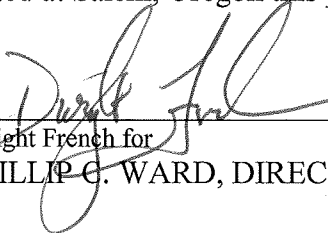
The change in place of use proposed in Transfer Application T-11176 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-11176 is approved, the final order will include the following:

1. *The change in place of use proposed in Transfer Application T-11176 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 68504 and 76062, and any related decree.*
3. *Water right certificates 68504 and 76062 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *The former place of use of the transferred rights shall no longer receive water under the rights.*

5. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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(s) and full beneficial use of the water.*
6. *When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 4 day of March, 2011.



Dwight French for
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrд.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.