



**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Lot	Q-Q
1 N	2 W	WM	7	3	SE NW

**Authorized Place of Use:**

MILL POND					
Twp	Rng	Mer	Sec	Q-Q	
1 N	2 W	WM	7	NE NW	
1 N	2 W	WM	7	NW NW	
1 N	2 W	WM	7	SE NW	

- Transfer Application T-11049 proposes to change the character of use to storage for general industrial use.
- Notice of the application for transfer was published on April 6, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On March 4, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11049 to the applicants. The draft preliminary Determination cover letter set forth a deadline of April 4, 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.

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

- 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.
- 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-11049.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

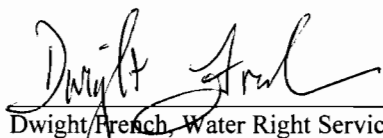
The change in character of use proposed in Transfer Application T-11049 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-11049 is approved, the final order will include the following:*

- The change in character of use proposed in Transfer Application T-11049 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 26960 and any related decree.*
3. *Water right certificate 26960 is cancelled.*
4. *The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.*
5. *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 applicants to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
6. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 7 day of April 2011.



Dwight French, Water Right Services Administrator for  
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or [Teri.K.Hranac@wrд.state.or.us](mailto:Teri.K.Hranac@wrд.state.or.us).

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