

Source: UMPQUA RIVER, tributary of the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
26 S	6 W	WM	18	SW SW	60	400 FEET NORTH AND 240 FEET EAST FROM THE SW CORNER OF SECTION 18

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	7 W	WM	13	SW NE	38	1.3
26 S	7 W	WM	13	SE NE	38	6.0
26 S	7 W	WM	13	NE SE	38	2.3
26 S	7 W	WM	13	NW SE	38	17.6
26 S	7 W	WM	13	SW SE	38	0.2

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

Certificate: 51243 in the name of RIVER BEND WEST WATER ASSOCIATION (perfected under Permit S-36782)

Use: IRRIGATION of 63.0 ACRES

Priority Date: JUNE 30, 1972

Rate: 0.79 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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.

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Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
26 S	7 W	WM	13	NE NE	38	0.9
26 S	7 W	WM	13	NW NE	38	3.9
26 S	7 W	WM	13	SW NE	38	15.5
26 S	7 W	WM	13	SE NE	38	3.9
26 S	7 W	WM	13	NE NW	38	5.3
26 S	7 W	WM	13	NW NW		11.2
26 S	7 W	WM	13	SW NW		0.9
26 S	7 W	WM	13	SE NW	38	7.2
26 S	7 W	WM	13	NE SW	38	1.9
26 S	7 W	WM	13	SE SW	38	7.1
26 S	7 W	WM	13	NW SE	38	4.9
26 S	7 W	WM	13	SW SE	38	0.3

4. Transfer Application T-11202 proposes to move the authorized points of diversion approximately 1.4 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
26 S	6 W	WM	7	SW SW	7	430 FEET NORTH AND 990 FEET EAST FROM THE SW CORNER OF SECTION 7
26 S	6 W	WM	7	SW SW	7	630 FEET NORTH AND 960 FEET EAST FROM THE SW CORNER OF SECTION 7

5. Notice of the application for transfer was published on February 22, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On March 24, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11202 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 25, 2011, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
7. On May 3, 2011, the applicant requested that Transfer Application T-11202 be placed on administrative hold for 120 days.
8. On June 10, 2011, the applicant requested that Transfer Application T-11202 be removed from administrative hold and that the transfer process proceed forward.
9. River Bend West Owner's Association is a non-profit corporation. As documented in its Articles of Incorporation one of the purposes for formation of the corporation is to acquire, build, operate and maintain a water system. River Bend West Owners' Association has provided the necessary information and documentation to demonstrate the applicant is authorized to pursue the transfer.
10. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new points 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 diversions are not currently equipped with an appropriate fish screening and/or by-pass device. The diversions may be eligible for screening cost share funds.

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

11. Water has been used within the last five years according to the terms and conditions of the rights. 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 distribution lines 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-11202.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in points of diversion proposed in Transfer Application T-11202 appear 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.

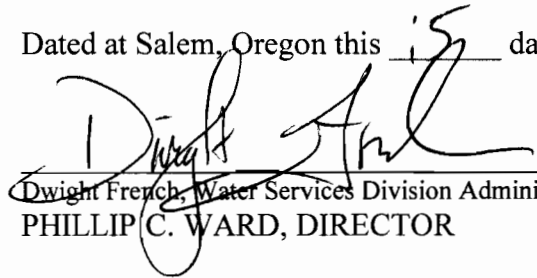
If Transfer Application T-11202 is approved, the final order will include the following:

1. *The changes in points of diversion proposed in Transfer Application T-11202 are 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 67627 and 51243 and any related decree.*
3. *Water right certificates 67627 and 51243 are cancelled.*
4. *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 meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
5. *Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new points 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 screens and/or by-pass devices meet 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 devices were installed to the state's criteria. The water user shall maintain and operate the fish screens and/or by-pass devices, as appropriate, at the points of diversion consistent with ODFW's operational and maintenance standards.

6. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2014**. 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 changes and full beneficial use of the water.*
7. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 15 day of June 2011.


Dwight French, Water Services Division 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 at 503-986-0881 or teri.k.hranac@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.