

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	7 E	WM	31	SE SW	331 FEET SOUTH AND 270 FEET WEST FROM THE NE CORNER OF SESW OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	7 E	WM	31	SW NE	4.5
2 S	7 E	WM	31	SE NE	0.5

- Certificate 64135 describes the authorized place of use as 4.5 acres in the SW NE and 0.5 acre in the SENE of Section 31, Township 2 South, Range 7 East, West of W.M., Clackamas County, Oregon.
- The map for Transfer Application T-10029 depicts the place of use under Certificate 64135 as being 3.7 acres in the SW NE and 1.3 acres of the SE NE of Section 31, Township 2 South, Range 7 East, West of W.M., Clackamas County, Oregon.
- Based on how the Public Land Survey subdivisions overlie the surveyed area with the map prepared by the Certified Water Right Examiner, the Department concludes that the land to which the right has always been appurtenant should be re-described.
- The following table describes the place of use description in existing Certificate 64135, and a proposed redescription based upon the findings above:

Original Description of Place of Use under Certificate 64135		Proposed Redescription of Place of Use	
Q-Q	Acres	Q-Q	Estimated Acres
SW NE	4.5	SW NE	3.7
SE NE	0.5	SE NE	1.3
TOTAL:	5.0	TOTAL:	5.0
Section 31, Township 2 South, Range 7 East, W.M.			

- Transfer Application T-11244 proposes an additional point of appropriation approximately 2800 feet from the existing point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	7 E	WM	31	SE SW	609 FEET SOUTH AND 1370 FEET WEST OF THE N-1/16 CORNER OF SECTIONS 31 AND 32

- Notice of the application for transfer was published on May 17, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On July 1, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11244 to the applicant. The draft Preliminary

Determination cover letter set forth a deadline of July 26, 2011, 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)

10. 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.
11. A pump, pipeline, and sprinkler system 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-11244.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-11244 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11244 is approved, the final order will include the following:

1. *The additional point of appropriation proposed in application T-11244 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 64135 and any related decree.*
3. *Water right certificate 64135 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
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 appropriation.*
 - 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
 7. *The approved change 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 change and full beneficial use of the water.*
 8. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 20 day of July 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@wrdd.state.or.us.

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