

Rate: 0.94 CUBIC FOOT PER SECOND
Source: TWO WELLS within the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	28	SW NE	795.5 FEET SOUTH AND 2270.6 FEET EAST FROM NE CORNER OF DLC 44
8 S	4 W	WM	28	SW NE	861.4 FEET SOUTH AND 2249.6 FEET EAST FROM NE CORNER OF DLC 44

Authorized Place of Use:

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
8 S	4 W	WM	16	NE SW
8 S	4 W	WM	16	NW SW
8 S	4 W	WM	16	SW SW
8 S	4 W	WM	16	SE SW
8 S	4 W	WM	17	SE SE
8 S	4 W	WM	20	NE NE
8 S	4 W	WM	20	SW NE
8 S	4 W	WM	20	SE NE
8 S	4 W	WM	20	SE NW
8 S	4 W	WM	20	NE SW
8 S	4 W	WM	20	NW SW
8 S	4 W	WM	20	SW SW
8 S	4 W	WM	20	SE SW
8 S	4 W	WM	20	NE SE
8 S	4 W	WM	20	NW SE
8 S	4 W	WM	20	SW SE
8 S	4 W	WM	20	SE SE
8 S	4 W	WM	21	SW NE
8 S	4 W	WM	21	SE NE
8 S	4 W	WM	21	NE NW
8 S	4 W	WM	21	NW NW
8 S	4 W	WM	21	SW NW
8 S	4 W	WM	21	SE NW
8 S	4 W	WM	21	NE SW
8 S	4 W	WM	21	NW SW
8 S	4 W	WM	21	SW SW
8 S	4 W	WM	21	SE SW
8 S	4 W	WM	21	NE SE
8 S	4 W	WM	21	NW SE
8 S	4 W	WM	21	SW SE
8 S	4 W	WM	28	NW NE
8 S	4 W	WM	28	SW NE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
8 S	4 W	WM	28	NE NW
8 S	4 W	WM	28	NW NW
8 S	4 W	WM	28	SW NW
8 S	4 W	WM	28	SE NW
8 S	4 W	WM	28	NE SW
8 S	4 W	WM	28	NW SW
8 S	4 W	WM	28	SW SW
8 S	4 W	WM	28	SE SW
8 S	4 W	WM	28	NW SE
8 S	4 W	WM	28	SW SE
8 S	4 W	WM	29	NE NE
8 S	4 W	WM	29	NW NE
8 S	4 W	WM	29	SW NE
8 S	4 W	WM	29	SE NE
8 S	4 W	WM	29	NE NW
8 S	4 W	WM	29	NW NW
8 S	4 W	WM	29	SW NW
8 S	4 W	WM	29	SE NW
8 S	4 W	WM	29	NE SE
8 S	4 W	WM	29	NW SE

6. Transfer Application T-10827 proposes to move the authorized points of appropriation approximately 4100 feet to the proposed River Well; 4150 feet to Well 1; 3825 feet to Well 2; and 3775 feet to Well 3 from the existing points of appropriation. The proposed points of appropriation are located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	4 W	WM	21	NE SE	RIVER WELL: 2383 FEET NORTH AND 2437.5 FEET WEST OF THE SE CORNER OF SECTION 21
8 S	4 W	WM	21	NE SE	WELL #1: 2378.6 FEET NORTH AND 2003.2 FEET WEST OF THE SE CORNER OF SECTION 21
8 S	4 W	WM	21	NE SE	WELL #2: 2082.9 FEET NORTH AND 2039.7 FEET WEST OF THE SE CORNER OF SECTION 21
8 S	4 W	WM	21	NE SE	WELL #3: 2033.7 FEET NORTH AND 2221.2 FEET WEST OF THE SE CORNER OF SECTION 21

7. Transfer Application T-10827 proposes to change the character of use to municipal.
8. Transfer Application T-10827 also proposes to change the place of use of the right to:

MUNICIPAL USES
WITHIN THE SERVICE BOUNDARIES OF THE CITY OF INDEPENDENCE.

9. Notice of the application for transfer was published on April 7, 2009, pursuant to OAR 690-380-4000. Notice of the amended application was published on June 14, 2011. No comments were filed in response to the notices.
10. On June 16, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10827 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 18, 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)

11. 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.
12. A pump and pipelines 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-10827.
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

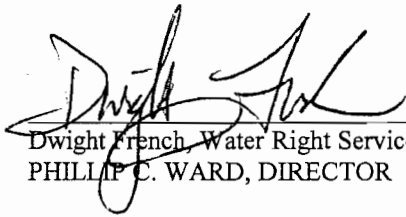
The changes in points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-10827 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-10827 is approved, the final order will include the following:

1. *The change in points of appropriation, change in place of use, and change in character of use proposed in application T-10827 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 Certificate 83231 and any related decree.*
3. *Water right certificate 83231 is cancelled.*
4. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *The water user shall maintain and operate the existing measurement devices and shall make such improvements as may be required by the Department.*

6. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
7. *The approved changes 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 changes and full beneficial use of the water.*
8. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 21 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@wrđ.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.