

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-11193, Linn County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND CHANGE IN
	)	PLACE OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF LEBANON
ATTN ROBERT EMMONS
853 MAIN STREET
LEBANON OR 97355-3200

Findings of Fact

Background

1. On February 2, 2011, CITY OF LEBANON filed an application to change the point of appropriation and to change the place of use under Certificate 37744. The Department assigned the application number T-11193.

2. The right to be transferred is as follows:

Certificate: 37744 in the name of CITY OF LEBANON (perfected under Permit G-4350)

Use: IRRIGATION OF 5.5 ACRES

Priority Date: OCTOBER 4, 1968

Rate: 0.07 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.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
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Source: A WELL within the SOUTH SANTIAM RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	2 W	WM	10	SW NE	49	2203 FEET NORTH AND 5140 FEET WEST FROM THE SE CORNER OF DLC 49

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	2 W	WM	10	SW NE	49	5.5

3. Transfer Application T-11193 proposes to move the authorized point of appropriation approximately 2.5 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	2 W	WM	23	NE SE	69	489 FEET SOUTH AND 295 FEET WEST FROM THE NE CORNER OF THE SE ¹ / ₄ OF SECTION 23

4. Transfer Application T-11193 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	2 W	WM	23	NE SE	69	4.4
12 S	2 W	WM	24	NW SW	69	1.1

5. Notice of the application for transfer was published on February 8, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

6. Water has been used according to the terms and conditions of the right. The right is not subject to forfeiture under ORS 540.610 because the right is held by a municipality.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right was present prior to the submittal of Transfer Application T-11193.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

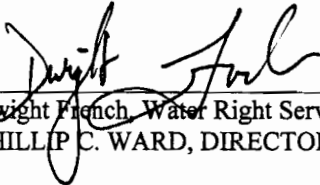
The change in point of appropriation and change in place of use proposed in Transfer Application T-11193 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11193 is approved, the final order will include the following:

- 1. The change in point of appropriation and change in place of use proposed in Transfer Application T-11193 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 37744 and any related decree.*
- 3. Water right certificate 37744 is cancelled.*
- 4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 5. The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of appropriation. 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.*
- 6. Water shall be acquired from the same alluvial aquifer as the original point of appropriation.*
- 7. The former place of use of the transferred right shall no longer receive water under the right.*
- 8. 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 applicant to the Department within one year after the deadline for completion of the change(s) and full beneficial use of the water.*

9. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 17 day of August, 2011.


Dwight French, Water Right Services Administrator, 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@wrds.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.