



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 17, 2014

TUALATIN VALLEY WATER DISTRICT
1850 SW 170TH AVE
BEAVERTON, OR 97006

SUBJECT: Water Right Transfer Application T-11612

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11612. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Hillsboro Argus newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at Tracy.L.Fox@wr.d.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox
Transfer Specialist
Transfer and Conservation Section

cc: T-11612
Jake Constans, District 18 Watermaster (*via e-mail*)
Jason Melady, CWRE #79557 and Agent for the applicant (*via e-mail*)

enclosure

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-11612, Washington County)	PROPOSING APPROVAL OF
)	ADDITIONAL POINTS OF
)	APPROPRIATION

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

TUALATIN VALLEY WATER DISTRICT
1850 SW 170TH AVE
BEAVERTON, OR 97006

Findings of Fact

1. On June 13, 2013, TUALATIN VALLEY WATER DISTRICT filed an application for additional points of appropriation under Certificates 36440, 36441, and 86081. The Department assigned the application number T-11612.
2. Notice of the application for transfer was published on June 18, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 21, 2014, the Department contacted Jason Melady, applicant's agent, by email and the applicant by written correspondence, to request clarification of a ¼ ¼ on Part 4 of 4 for the "Kemmer Road Well" where the ¼ ¼ provided there did not match the map and written description. The Department received amended tables on February 27, 2014.
4. On March 24, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11612 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 24, 2014, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination with a few minor corrections, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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.

5. The first right to be transferred is as follows:

Certificate: 36440 in the name of ALOHA-HUBER WATER DISTRICT (perfected under Permit G-588)
Use: MUNICIPAL USE
Priority Date: MAY 2, 1957
Rate: 1.1 CUBIC FEET PER SECOND
Source: ALOHA HUBER WELL NO. 1, a tributary of BEAVERTON CREEK (TUALATIN RIVER)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 S	2 W	WM	24	NE SE	1	ALOHA HUBER WELL 1: 750 FEET WEST AND 1500 FEET NORTH FROM THE SE CORNER OF SECTION 24

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	5	NE SW
1 S	1 W	WM	5	NW SW
1 S	1 W	WM	5	SW SW
1 S	1 W	WM	5	SE SW
1 S	1 W	WM	6	NE SW
1 S	1 W	WM	6	NW SW
1 S	1 W	WM	6	SW SW
1 S	1 W	WM	6	SE SW
1 S	1 W	WM	6	NE SE
1 S	1 W	WM	6	NW SE
1 S	1 W	WM	6	SW SE
1 S	1 W	WM	6	SE SE
1 S	1 W	WM	7	NE NE
1 S	1 W	WM	7	NW NE
1 S	1 W	WM	7	SW NE
1 S	1 W	WM	7	SE NE
1 S	1 W	WM	7	NE NW
1 S	1 W	WM	7	NW NW
1 S	1 W	WM	7	SW NW
1 S	1 W	WM	7	SE NW
1 S	1 W	WM	7	NE SW
1 S	1 W	WM	7	NW SW
1 S	1 W	WM	7	SW SW
1 S	1 W	WM	7	SE SW
1 S	1 W	WM	7	NW SE
1 S	1 W	WM	7	SW SE
1 S	1 W	WM	7	SE SE
1 S	1 W	WM	8	SW SW
1 S	1 W	WM	16	NE NW
1 S	1 W	WM	16	NW NW
1 S	1 W	WM	16	SW NW
1 S	1 W	WM	16	SE NW
1 S	1 W	WM	17	NE NE

Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	17	NW NE
1 S	1 W	WM	17	SW NE
1 S	1 W	WM	17	SE NE
1 S	1 W	WM	17	NE NW
1 S	1 W	WM	17	NW NW
1 S	1 W	WM	17	SW NW
1 S	1 W	WM	17	SE NW
1 S	1 W	WM	17	NE SW
1 S	1 W	WM	17	NW SW
1 S	1 W	WM	17	SW SW
1 S	1 W	WM	17	SE SW
1 S	1 W	WM	17	NE SE
1 S	1 W	WM	17	NW SE
1 S	1 W	WM	17	SW SE
1 S	1 W	WM	18	NE NE
1 S	1 W	WM	18	NW NE
1 S	1 W	WM	18	SW NE
1 S	1 W	WM	18	SE NE
1 S	1 W	WM	18	NE NW
1 S	1 W	WM	18	NW NW
1 S	1 W	WM	18	SW NW
1 S	1 W	WM	18	SE NW
1 S	1 W	WM	18	NE SW
1 S	1 W	WM	18	NW SW
1 S	1 W	WM	18	SW SW
1 S	1 W	WM	18	SE SW
1 S	1 W	WM	18	NE SE
1 S	1 W	WM	18	NW SE
1 S	1 W	WM	18	SW SE
1 S	1 W	WM	18	SE SE
1 S	1 W	WM	19	NE NE
1 S	1 W	WM	19	NW NE
1 S	1 W	WM	19	NE NW
1 S	1 W	WM	19	NW NW
1 S	1 W	WM	19	SE NW
1 S	2 W	WM	1	SW SW
1 S	2 W	WM	1	SE SW
1 S	2 W	WM	1	NE SE
1 S	2 W	WM	1	NW SE
1 S	2 W	WM	1	SW SE
1 S	2 W	WM	1	SE SE
1 S	2 W	WM	2	NE SW
1 S	2 W	WM	2	NW SW
1 S	2 W	WM	2	SW SW
1 S	2 W	WM	2	SE SW
1 S	2 W	WM	2	NW SE
1 S	2 W	WM	2	SW SE
1 S	2 W	WM	2	SE SE
1 S	2 W	WM	10	NE NE
1 S	2 W	WM	10	NW NE
1 S	2 W	WM	10	SW NE
1 S	2 W	WM	10	SE NE

Twp	Rng	Mer	Sec	Q-Q
1 S	2 W	WM	10	NE SE
1 S	2 W	WM	11	NE NE
1 S	2 W	WM	11	NW NE
1 S	2 W	WM	11	SW NE
1 S	2 W	WM	11	SE NE
1 S	2 W	WM	11	NE NW
1 S	2 W	WM	11	SW NW
1 S	2 W	WM	11	SE NW
1 S	2 W	WM	11	NE SW
1 S	2 W	WM	11	NW SW
1 S	2 W	WM	11	NE SE
1 S	2 W	WM	11	NW SE
1 S	2 W	WM	12	NE NE
1 S	2 W	WM	12	NW NE
1 S	2 W	WM	12	SW NE
1 S	2 W	WM	12	SE NE
1 S	2 W	WM	12	NE NW
1 S	2 W	WM	12	NW NW
1 S	2 W	WM	12	SW NW
1 S	2 W	WM	12	SE NW
1 S	2 W	WM	12	NE SW
1 S	2 W	WM	12	NW SW
1 S	2 W	WM	12	SW SW
1 S	2 W	WM	12	SE SW
1 S	2 W	WM	12	NE SE
1 S	2 W	WM	12	NW SE
1 S	2 W	WM	12	SW SE
1 S	2 W	WM	12	SE SE
1 S	2 W	WM	13	NE NE
1 S	2 W	WM	13	NW NE
1 S	2 W	WM	13	SW NE
1 S	2 W	WM	13	SE NE
1 S	2 W	WM	13	NE NW
1 S	2 W	WM	13	NW NW
1 S	2 W	WM	13	SW NW
1 S	2 W	WM	13	SE NW
1 S	2 W	WM	13	NE SW
1 S	2 W	WM	13	SE SW
1 S	2 W	WM	13	NE SE
1 S	2 W	WM	13	NW SE
1 S	2 W	WM	13	SW SE
1 S	2 W	WM	13	SE SE
1 S	2 W	WM	23	NE NE
1 S	2 W	WM	23	NW NE
1 S	2 W	WM	23	SW NE
1 S	2 W	WM	23	SE NE
1 S	2 W	WM	23	NE SE
1 S	2 W	WM	23	NW SE
1 S	2 W	WM	23	SW SE
1 S	2 W	WM	23	SE SE
1 S	2 W	WM	24	NE NE
1 S	2 W	WM	24	NW NE

Twp	Rng	Mer	Sec	Q-Q
1 S	2 W	WM	24	SW NE
1 S	2 W	WM	24	SE NE
1 S	2 W	WM	24	NE NW
1 S	2 W	WM	24	NW NW
1 S	2 W	WM	24	SW NW
1 S	2 W	WM	24	SE NW
1 S	2 W	WM	24	NE SW
1 S	2 W	WM	24	NW SW
1 S	2 W	WM	24	NE SE
1 S	2 W	WM	24	NW SE

6. Transfer Application T-11612 proposes five additional points of appropriation, described as follows with the approximate distances from the existing point of appropriation identified:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from authorized well
1 S	1 W	WM	17	SE SW	50	SCHUEPBACH WELL: 65 FEET SOUTH AND 2290 FEET WEST FROM THE NE CORNER OF WILLIAMS DLC 50	1.72 miles
1 S	2 W	WM	23	SE SE		GRABHORN WELL: 200 FEET NORTH AND 780 FEET WEST FROM THE SE CORNER OF SECTION 23	0.94 mile
1 S	2 W	WM	24	NE SE		189TH REPLACEMENT WELL: 1505 FEET NORTH AND 955 FEET WEST FROM THE SE CORNER OF SECTION 24	200 feet
1 S	2 W	WM	25	NE SE		SITE 60 WELL: 1735 FEET SOUTH AND 2145 FEET EAST FROM THE NW CORNER OF SECTION 25	0.76 mile
1 S	2 W	WM	25	NE SE		KEMMER RD WELL: 3175 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 25	0.88 mile

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

Certificate: 36441 in the name of ALOHA-HUBER WATER DISTRICT (perfected under Permit G-2064)
Use: MUNICIPAL USE
Priority Date: FEBRUARY 23, 1962
Rate: 2.2 CUBIC FEET PER SECOND
Source: WELL NO. 2, a tributary of BUTTERNUT CREEK (TUALATIN RIVER)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	2 W	WM	23	SE SE	WELL 2: 200 FEET NORTH AND 780 FEET WEST FROM THE SE CORNER OF SECTION 23

Authorized Place of Use:

Twtp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	5	NE SW
1 S	1 W	WM	5	NW SW
1 S	1 W	WM	5	SW SW
1 S	1 W	WM	5	SE SW
1 S	1 W	WM	6	NE SW
1 S	1 W	WM	6	NW SW
1 S	1 W	WM	6	SW SW
1 S	1 W	WM	6	SE SW
1 S	1 W	WM	6	NE SE
1 S	1 W	WM	6	NW SE
1 S	1 W	WM	6	SW SE
1 S	1 W	WM	6	SE SE
1 S	1 W	WM	7	NE NE
1 S	1 W	WM	7	NW NE
1 S	1 W	WM	7	SW NE
1 S	1 W	WM	7	SE NE
1 S	1 W	WM	7	NE NW
1 S	1 W	WM	7	NW NW
1 S	1 W	WM	7	SW NW
1 S	1 W	WM	7	SE NW
1 S	1 W	WM	7	NE SW
1 S	1 W	WM	7	NW SW
1 S	1 W	WM	7	SW SW
1 S	1 W	WM	7	SE SW
1 S	1 W	WM	7	NW SE
1 S	1 W	WM	7	SW SE
1 S	1 W	WM	7	NE SE
1 S	1 W	WM	8	SW SW
1 S	1 W	WM	16	NE NW
1 S	1 W	WM	16	NW NW
1 S	1 W	WM	16	SW NW
1 S	1 W	WM	16	SE NW
1 S	1 W	WM	17	NE NE
1 S	1 W	WM	17	NW NE
1 S	1 W	WM	17	SW NE
1 S	1 W	WM	17	SE NE
1 S	1 W	WM	17	NE NW
1 S	1 W	WM	17	NW NW
1 S	1 W	WM	17	SW NW
1 S	1 W	WM	17	SE NW
1 S	1 W	WM	17	NE SW
1 S	1 W	WM	17	NW SW
1 S	1 W	WM	17	SW SW
1 S	1 W	WM	17	SE SW
1 S	1 W	WM	17	NE SE
1 S	1 W	WM	17	NW SE
1 S	1 W	WM	17	SW SE
1 S	1 W	WM	18	NE NE
1 S	1 W	WM	18	NW NE
1 S	1 W	WM	18	SW NE
1 S	1 W	WM	18	SE NE

Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	18	NE NW
1 S	1 W	WM	18	NW NW
1 S	1 W	WM	18	SW NW
1 S	1 W	WM	18	SE NW
1 S	1 W	WM	18	NE SW
1 S	1 W	WM	18	NW SW
1 S	1 W	WM	18	SW SW
1 S	1 W	WM	18	SE SW
1 S	1 W	WM	18	NE SE
1 S	1 W	WM	18	NW SE
1 S	1 W	WM	18	SW SE
1 S	1 W	WM	18	SE SE
1 S	1 W	WM	19	NE NE
1 S	1 W	WM	19	NW NE
1 S	1 W	WM	19	NE NW
1 S	1 W	WM	19	NW NW
1 S	1 W	WM	19	SE NW
1 S	2 W	WM	1	SW SW
1 S	2 W	WM	1	SE SW
1 S	2 W	WM	1	NE SE
1 S	2 W	WM	1	NW SE
1 S	2 W	WM	1	SW SE
1 S	2 W	WM	1	SE SE
1 S	2 W	WM	2	NE SW
1 S	2 W	WM	2	NW SW
1 S	2 W	WM	2	SW SW
1 S	2 W	WM	2	SE SW
1 S	2 W	WM	2	NW SE
1 S	2 W	WM	2	SW SE
1 S	2 W	WM	2	SE SE
1 S	2 W	WM	10	NE NE
1 S	2 W	WM	10	NW NE
1 S	2 W	WM	10	SW NE
1 S	2 W	WM	10	SE NE
1 S	2 W	WM	10	NE SE
1 S	2 W	WM	11	NE NE
1 S	2 W	WM	11	NW NE
1 S	2 W	WM	11	SW NE
1 S	2 W	WM	11	SE NE
1 S	2 W	WM	11	NE NW
1 S	2 W	WM	11	SW NW
1 S	2 W	WM	11	SE NW
1 S	2 W	WM	11	NE SW
1 S	2 W	WM	11	NW SW
1 S	2 W	WM	11	NE SE
1 S	2 W	WM	11	NW SE
1 S	2 W	WM	12	NE NE
1 S	2 W	WM	12	NW NE
1 S	2 W	WM	12	SW NE
1 S	2 W	WM	12	SE NE
1 S	2 W	WM	12	NE NW
1 S	2 W	WM	12	NW NW

Twp	Rng	Mer	Sec	Q-Q
1 S	2 W	WM	12	SW NW
1 S	2 W	WM	12	SE NW
1 S	2 W	WM	12	NE SW
1 S	2 W	WM	12	NW SW
1 S	2 W	WM	12	SW SW
1 S	2 W	WM	12	SE SW
1 S	2 W	WM	12	NE SE
1 S	2 W	WM	12	NW SE
1 S	2 W	WM	12	SW SE
1 S	2 W	WM	12	SE SE
1 S	2 W	WM	13	NE NE
1 S	2 W	WM	13	NW NE
1 S	2 W	WM	13	SW NE
1 S	2 W	WM	13	SE NE
1 S	2 W	WM	13	NE NW
1 S	2 W	WM	13	NW NW
1 S	2 W	WM	13	SW NW
1 S	2 W	WM	13	SE NW
1 S	2 W	WM	13	NE SW
1 S	2 W	WM	13	SE SW
1 S	2 W	WM	13	NE SE
1 S	2 W	WM	13	NW SE
1 S	2 W	WM	13	SW SE
1 S	2 W	WM	13	SE SE
1 S	2 W	WM	23	NE NE
1 S	2 W	WM	23	NW NE
1 S	2 W	WM	23	SW NE
1 S	2 W	WM	23	SE NE
1 S	2 W	WM	23	NE SE
1 S	2 W	WM	23	NW SE
1 S	2 W	WM	23	SW SE
1 S	2 W	WM	23	SE SE
1 S	2 W	WM	24	NE NE
1 S	2 W	WM	24	NW NE
1 S	2 W	WM	24	SW NE
1 S	2 W	WM	24	SE NE
1 S	2 W	WM	24	NE NW
1 S	2 W	WM	24	NW NW
1 S	2 W	WM	24	SW NW
1 S	2 W	WM	24	SE NW
1 S	2 W	WM	24	NE SW
1 S	2 W	WM	24	NW SW
1 S	2 W	WM	24	NE SE
1 S	2 W	WM	24	NW SE

8. Transfer Application T-11612 proposes five additional points of appropriation, described as follows with the approximate distances from the existing point of appropriation identified:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances	Distance from authorized well
1 S	1 W	WM	17	SE SW		50	SCHUEPBACH WELL: 65 FEET SOUTH AND 2290 FEET WEST FROM THE NE CORNER OF WILLIAMS DLC 50	2.62 miles
1 S	2 W	WM	24	NE SE	1		ALOHA HUBER WELL NO. 1: 750 FEET WEST AND 1500 FEET NORTH FROM THE SE CORNER OF SECTION 24	0.94 mile
1 S	2 W	WM	24	NE SE			189TH REPLACEMENT WELL: 1505 FEET NORTH AND 955 FEET WEST FROM THE SE CORNER OF SECTION 24	0.89 mile
1 S	2 W	WM	25	NE SE			KEMMER ROAD WELL: 3175 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 25	1.15 miles
1 S	2 W	WM	25	NE SE			SITE 60 WELL: 1735 FEET SOUTH AND 2145 FEET EAST FROM THE NW CORNER OF SECTION 25	0.64 mile

9. The third right to be transferred is as follows:

Certificate: 86081 in the name of TUALATIN VALLEY WATER DISTRICT and ALOHA HUBER WATER DISTRICT (perfected under Permit G-1229)

Use: MUNICIPAL USE

Priority Date: JANUARY 21, 1959

Rate: 0.58 CUBIC FOOT PER SECOND (260 GALLONS PER MINUTE)

Limit/Duty: A total diversion of not to exceed 116 ACRE-FEET PER YEAR (37,798,600 GALLONS) AT A RATE OF 0.58 CUBIC FOOT PER SECOND (260 GALLONS PER MINUTE); HOWEVER, THIS RATE MAY BE EXCEEDED FOR PERIODS OF TIME BY ROTATION AND CEASING PUMPING FOR PROPORTIONATE PERIODS IN ORDER TO NOT EXCEED THE EQUIVALENT TOTAL WITHDRAWAL THAT WOULD HAVE BEEN OBTAINED BY CONTINUOUS PUMPAGE.

THE ADDITIONAL RATE OF WITHDRAWAL SHALL BE CORRELATED WITH THE USE OF THE WELL FOR IRRIGATING THE 58 ACRES OF REMAINING LANDS SO THAT THE TOTAL DIVERTED AT ANY ONE TIME FOR MUNICIPAL AND IRRIGATION PURPOSES SHALL NOT EXCEED 1.31 CUBIC FEET PER SECOND (588 GALLONS PER MINUTE).

Period of Use: May 1 through September 30 of each year.

Source: A WELL (SCHUEPBACH WELL), a tributary of BEAVERDAM CREEK (TUALATIN RIVER)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 S	1 W	WM	17	SE SW	50	SCHUEPBACH WELL: 65 FEET SOUTH AND 2290 FEET WEST FROM THE NE CORNER OF WILLIAMS DLC 50

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	5	NW NE
1 S	1 W	WM	5	SW NE
1 S	1 W	WM	5	SE NE
1 S	1 W	WM	5	NE NW
1 S	1 W	WM	5	NW NW
1 S	1 W	WM	5	SW NW
1 S	1 W	WM	5	SE NW
1 S	1 W	WM	5	NE SW
1 S	1 W	WM	5	NW SW
1 S	1 W	WM	5	SW SW
1 S	1 W	WM	5	SE SW
1 S	1 W	WM	5	NE SE
1 S	1 W	WM	5	NW SE
1 S	1 W	WM	5	SW SE
1 S	1 W	WM	5	SE SE
1 S	1 W	WM	6	NE NE
1 S	1 W	WM	6	NW NE
1 S	1 W	WM	6	SW NE
1 S	1 W	WM	6	SE NE
1 S	1 W	WM	6	NE NW
1 S	1 W	WM	6	NW NW
1 S	1 W	WM	6	SW NW
1 S	1 W	WM	6	SE NW
1 S	1 W	WM	6	NE SW
1 S	1 W	WM	6	NW SW
1 S	1 W	WM	6	SW SW
1 S	1 W	WM	6	SE SW
1 S	1 W	WM	6	NE SE
1 S	1 W	WM	6	NW SE
1 S	1 W	WM	6	SW SE
1 S	1 W	WM	6	SE SE
1 S	1 W	WM	7	NE NE
1 S	1 W	WM	7	NW NE
1 S	1 W	WM	7	SW NE
1 S	1 W	WM	7	NE NW
1 S	1 W	WM	7	NW NW
1 S	1 W	WM	7	SW NW
1 S	1 W	WM	7	SE NW
1 S	1 W	WM	7	NE SW

Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	7	NW SW
1 S	1 W	WM	7	SW SW
1 S	1 W	WM	7	SE SW
1 S	1 W	WM	7	NE SE
1 S	1 W	WM	7	NW SE
1 S	1 W	WM	7	SW SE
1 S	1 W	WM	7	SE SE
1 S	1 W	WM	8	NE NE
1 S	1 W	WM	8	SE NE
1 S	1 W	WM	8	NE NW
1 S	1 W	WM	8	NW NW
1 S	1 W	WM	8	NW SW
1 S	1 W	WM	8	SW SW
1 S	1 W	WM	8	NE SE
1 S	1 W	WM	8	SE SE
1 S	1 W	WM	17	NE NE
1 S	1 W	WM	17	NW NE
1 S	1 W	WM	17	SW NE
1 S	1 W	WM	17	SE NE
1 S	1 W	WM	17	NE NW
1 S	1 W	WM	17	NW NW
1 S	1 W	WM	17	SW NW
1 S	1 W	WM	17	SE NW
1 S	1 W	WM	17	NE SW
1 S	1 W	WM	17	NW SW
1 S	1 W	WM	17	SW SW
1 S	1 W	WM	17	SE SW
1 S	1 W	WM	17	NE SE
1 S	1 W	WM	17	NW SE
1 S	1 W	WM	17	SW SE
1 S	1 W	WM	17	SE SE
1 S	1 W	WM	18	NE NE
1 S	1 W	WM	18	NW NE
1 S	1 W	WM	18	SW NE
1 S	1 W	WM	18	SE NE
1 S	1 W	WM	18	NE NW
1 S	1 W	WM	18	NW NW
1 S	1 W	WM	18	SW NW
1 S	1 W	WM	18	SE NW
1 S	1 W	WM	18	NE SW
1 S	1 W	WM	18	NW SW
1 S	1 W	WM	18	SW SW
1 S	1 W	WM	18	SE SW
1 S	1 W	WM	18	NE SE
1 S	1 W	WM	18	NW SE
1 S	1 W	WM	18	SW SE
1 S	1 W	WM	18	SE SE
1 S	1 W	WM	19	NE NE
1 S	1 W	WM	19	NW NE
1 S	1 W	WM	19	SW NE
1 S	1 W	WM	19	SE NE
1 S	1 W	WM	19	NE NW

Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	19	NW NW
1 S	1 W	WM	19	SW NW
1 S	1 W	WM	19	SE NW
1 S	1 W	WM	19	NE SW
1 S	1 W	WM	19	NW SW
1 S	1 W	WM	19	SW SW
1 S	1 W	WM	19	SE SW
1 S	1 W	WM	19	NE SE
1 S	1 W	WM	19	NW SE
1 S	1 W	WM	19	SW SE
1 S	1 W	WM	19	SE SE
1 S	2 W	WM	1	NE NE
1 S	2 W	WM	1	NW NE
1 S	2 W	WM	1	SW NE
1 S	2 W	WM	1	SE NE
1 S	2 W	WM	1	NE NW
1 S	2 W	WM	1	NW NW
1 S	2 W	WM	1	SW NW
1 S	2 W	WM	1	SE NW
1 S	2 W	WM	1	NE SW
1 S	2 W	WM	1	NW SW
1 S	2 W	WM	1	SW SW
1 S	2 W	WM	1	SE SW
1 S	2 W	WM	1	NE SE
1 S	2 W	WM	1	NW SE
1 S	2 W	WM	1	SW SE
1 S	2 W	WM	1	SE SE
1 S	2 W	WM	2	NE NE
1 S	2 W	WM	2	NW NE
1 S	2 W	WM	2	SW NE
1 S	2 W	WM	2	SE NE
1 S	2 W	WM	2	NE NW
1 S	2 W	WM	2	SE NW
1 S	2 W	WM	2	NE SW
1 S	2 W	WM	2	SE SW
1 S	2 W	WM	2	NE SE
1 S	2 W	WM	2	NW SE
1 S	2 W	WM	2	SW SE
1 S	2 W	WM	2	SE SE
1 S	2 W	WM	11	NE NE
1 S	2 W	WM	11	NW NE
1 S	2 W	WM	11	SW NE
1 S	2 W	WM	11	SE NE
1 S	2 W	WM	11	NE NW
1 S	2 W	WM	11	SE NW
1 S	2 W	WM	11	NE SW
1 S	2 W	WM	11	NE SE
1 S	2 W	WM	11	NW SE
1 S	2 W	WM	11	SE SE
1 S	2 W	WM	12	NE NE
1 S	2 W	WM	12	NW NE
1 S	2 W	WM	12	SW NE

Twp	Rng	Mer	Sec	Q-Q
1 S	2 W	WM	12	SE NE
1 S	2 W	WM	12	NE NW
1 S	2 W	WM	12	NW NW
1 S	2 W	WM	12	SW NW
1 S	2 W	WM	12	SE NW
1 S	2 W	WM	12	NE SW
1 S	2 W	WM	12	NW SW
1 S	2 W	WM	12	SW SW
1 S	2 W	WM	12	SE SW
1 S	2 W	WM	12	NE SE
1 S	2 W	WM	12	NW SE
1 S	2 W	WM	12	SW SE
1 S	2 W	WM	12	SE SE
1 S	2 W	WM	13	NE NE
1 S	2 W	WM	13	NW NE
1 S	2 W	WM	13	SW NE
1 S	2 W	WM	13	SE NE
1 S	2 W	WM	13	NE NW
1 S	2 W	WM	13	NW NW
1 S	2 W	WM	13	SW NW
1 S	2 W	WM	13	SE NW
1 S	2 W	WM	13	NE SW
1 S	2 W	WM	13	NW SW
1 S	2 W	WM	13	SW SW
1 S	2 W	WM	13	SE SW
1 S	2 W	WM	13	NE SE
1 S	2 W	WM	13	NW SE
1 S	2 W	WM	13	SW SE
1 S	2 W	WM	13	SE SE
1 S	2 W	WM	23	NE NE
1 S	2 W	WM	23	NW NE
1 S	2 W	WM	23	SW NE
1 S	2 W	WM	23	SE NE
1 S	2 W	WM	23	NE SE
1 S	2 W	WM	23	NW SE
1 S	2 W	WM	23	SE SE
1 S	2 W	WM	24	NE NE
1 S	2 W	WM	24	NW NE
1 S	2 W	WM	24	SW NE
1 S	2 W	WM	24	SE NE
1 S	2 W	WM	24	NE NW
1 S	2 W	WM	24	NW NW
1 S	2 W	WM	24	SW NW
1 S	2 W	WM	24	SE NW
1 S	2 W	WM	24	NE SW
1 S	2 W	WM	24	NW SW
1 S	2 W	WM	24	SW SW
1 S	2 W	WM	24	SE SW
1 S	2 W	WM	24	NE SE
1 S	2 W	WM	24	NW SE
1 S	2 W	WM	24	SW SE
1 S	2 W	WM	24	SE SE

10. Transfer Application T-11612 proposes five additional points of appropriation, described as follows with the approximate distances from the existing point of appropriation identified:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Distance from authorized well
1 S	2 W	WM	23	SE SE		GRABHORN WELL: 200 FEET NORTH AND 780 FEET WEST FROM THE SE CORNER OF SECTION 23	2.62 miles
1 S	2 W	WM	24	NE SE	1	ALOHA HUBER WELL NO. 1: 750 FEET WEST AND 1500 FEET NORTH FROM THE SE CORNER OF SECTION 24	1.72 miles
1 S	2 W	WM	24	NE SE		189TH REPLACEMENT WELL: 1505 FEET NORTH AND 955 FEET WEST FROM THE SE CORNER OF SECTION 24	1.75 miles
1 S	2 W	WM	25	NE SE		KEMMER ROAD WELL: 3175 FEET SOUTH AND 850 FEET WEST FROM THE NE CORNER OF SECTION 25	2.29 miles
1 S	2 W	WM	25	NE SE		SITE 60 WELL: 1735 FEET SOUTH AND 2145 FEET EAST FROM THE NW CORNER OF SECTION 25	2.43 miles

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 rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. A water distribution system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-11612.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-11612 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11612 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-11612 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 36440, 36441, and 86081 and any related decree.*
3. *Water right Certificates 36440, 36441, and 86081 are cancelled.*
4. *The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points 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 (new and existing) 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. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2035**. 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. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 18 day of June 2014.


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

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@ wrd.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266.