



Oregon

Kate Brown, Governor

Water Resources Department

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October 1, 2015

CITY OF LEBANON
925 S. MAIN ST
LEBANON, OR 97355

SUBJECT: Water Right Transfer Application T-12091

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12091. 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 Lebanon Express 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 end 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 Lanaya.F.Blakely@wrđ.state.or.us or (503) 986-0888, if I may be of assistance.

Sincerely,

cc: Transfer Application File T-12091
Michael J. Mattick, District 2 Watermaster (*via e-mail*)
Brian Sheets, Agent for the applicant (*via e-mail*)
Bruce Brody-Heine, CWRE # 78208 (*via e-mail*)

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12091, Linn County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF DIVERSION
	)	AND A CHANGE IN PLACE OF USE

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF LEBANON
925 S. MAIN ST
LEBANON, OR 97355

Findings of Fact

1. On June 26, 2015, the CITY OF LEBANON filed an application for an additional point of diversion under Certificates 49385 and 90287 and to change the place of use under Certificates 49385. The Department assigned the application number T-12091.
2. Notice of the application for transfer was published on June 30, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 21, 2015, the Department notified the applicant's CWRE by telephone of a suspected error in the transfer map with respect to the location of the proposed POD.
4. On July 29, 2015, the applicant's CWRE submitted a revised transfer map, updating the orientation of the public land survey grid and verifying the location of the proposed POD.
5. On September 1, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12091 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 1, 2015, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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

Certificate: 49385 in the name of PACIFIC POWER AND LIGHT COMPANY, a
Maine Corporation (confirmed by Santiam and South Santiam River
Decrees)

Use: MUNICIPAL USE

Priority Date: 1900

Rate: 9.0 CUBIC FEET PER SECOND

Limit/Duty: The amount of water to which such right is entitled, for the purposes
aforesaid, is limited to an amount actually beneficially used for said
purposes, and shall not exceed 9.0 cubic feet per second.

Source: SOUTH SANTIAM RIVER, a tributary of SANTIAM RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	1 W	WM	19	NW NW	55	1430 FEET NORTH AND 1050 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 19

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	3	SE SW
12 S	2 W	WM	3	NE SE
12 S	2 W	WM	3	SE SE
12 S	2 W	WM	9	NE SE
12 S	2 W	WM	10	NE NE
12 S	2 W	WM	10	NW NE
12 S	2 W	WM	10	SW NE
12 S	2 W	WM	10	SE NE
12 S	2 W	WM	10	NE NW
12 S	2 W	WM	10	SE NW
12 S	2 W	WM	10	NE SW
12 S	2 W	WM	10	NW SW
12 S	2 W	WM	10	SW SW
12 S	2 W	WM	10	SE SW
12 S	2 W	WM	10	NE SE
12 S	2 W	WM	10	NW SE
12 S	2 W	WM	10	SW SE
12 S	2 W	WM	10	SE SE
12 S	2 W	WM	11	SW NE
12 S	2 W	WM	11	NE NW
12 S	2 W	WM	11	NW NW
12 S	2 W	WM	11	SW NW
12 S	2 W	WM	11	SE NW
12 S	2 W	WM	11	NE SW
12 S	2 W	WM	11	NW SW
12 S	2 W	WM	11	SW SW
12 S	2 W	WM	11	SE SW
12 S	2 W	WM	11	NE SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	11	NW SE
12 S	2 W	WM	11	SW SE
12 S	2 W	WM	11	SE SE
12 S	2 W	WM	12	NW SW
12 S	2 W	WM	12	SW SW
12 S	2 W	WM	14	NW NE
12 S	2 W	WM	14	SW NE
12 S	2 W	WM	14	NE NW
12 S	2 W	WM	14	NW NW
12 S	2 W	WM	14	SW NW
12 S	2 W	WM	14	SE NW
12 S	2 W	WM	14	SW SW
12 S	2 W	WM	15	NE NE
12 S	2 W	WM	15	NW NE
12 S	2 W	WM	15	SW NE
12 S	2 W	WM	15	SE NE
12 S	2 W	WM	15	NE NW
12 S	2 W	WM	15	SE SW
12 S	2 W	WM	15	NE SE
12 S	2 W	WM	15	NW SE
12 S	2 W	WM	15	SW SE
12 S	2 W	WM	15	SE SE
12 S	2 W	WM	22	NE NE
12 S	2 W	WM	22	NW NE
12 S	2 W	WM	22	NE NW
12 S	2 W	WM	23	NW NW

7. Transfer Application T-12091 proposes an additional point of diversion approximately 1.0 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	2 W	WM	24	NW NW	SOUTH 78° 49' 26" EAST 2,953.49 FEET FROM THE SE CORNER OF THE RUSSEL T. HILL DLC NO. 77

8. Transfer Application T-12091 also proposes to change the place of use of the right to:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	1	SE NW
12 S	2 W	WM	1	SW NW
12 S	2 W	WM	1	NW SW
12 S	2 W	WM	1	NE SW
12 S	2 W	WM	2	SE NW
12 S	2 W	WM	2	NE SW
12 S	2 W	WM	2	NW SW
12 S	2 W	WM	2	SW SW
12 S	2 W	WM	2	SE SW
12 S	2 W	WM	2	NW SE
12 S	2 W	WM	2	SW SE
12 S	2 W	WM	3	NW NW
12 S	2 W	WM	3	SW NW
12 S	2 W	WM	3	NE SW
12 S	2 W	WM	3	NW SW
12 S	2 W	WM	3	SW SW
12 S	2 W	WM	3	SE SW
12 S	2 W	WM	3	NE SE
12 S	2 W	WM	3	NW SE
12 S	2 W	WM	3	SW SE
12 S	2 W	WM	3	SE SE
12 S	2 W	WM	4	NE NE
12 S	2 W	WM	4	NW NE
12 S	2 W	WM	4	SW NE
12 S	2 W	WM	4	SE NE
12 S	2 W	WM	4	NE SE
12 S	2 W	WM	4	NW SE
12 S	2 W	WM	4	SE SE
12 S	2 W	WM	9	NE NE
12 S	2 W	WM	9	NW NE
12 S	2 W	WM	9	SW NE
12 S	2 W	WM	9	SE NE
12 S	2 W	WM	9	NE NW
12 S	2 W	WM	9	SE NW
12 S	2 W	WM	9	NE SW
12 S	2 W	WM	9	SE SW
12 S	2 W	WM	9	NE SE
12 S	2 W	WM	9	NW SE
12 S	2 W	WM	9	SW SE
12 S	2 W	WM	9	SE SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	10	NE NE
12 S	2 W	WM	10	NW NE
12 S	2 W	WM	10	SW NE
12 S	2 W	WM	10	SE NE
12 S	2 W	WM	10	NE NW
12 S	2 W	WM	10	NW NW
12 S	2 W	WM	10	SW NW
12 S	2 W	WM	10	SE NW
12 S	2 W	WM	10	NE SW
12 S	2 W	WM	10	NW SW
12 S	2 W	WM	10	SW SW
12 S	2 W	WM	10	SE SW
12 S	2 W	WM	10	NE SE
12 S	2 W	WM	10	NW SE
12 S	2 W	WM	10	SW SE
12 S	2 W	WM	10	SE SE
12 S	2 W	WM	11	SW NE
12 S	2 W	WM	11	SE NE
12 S	2 W	WM	11	NE NW
12 S	2 W	WM	11	NW NW
12 S	2 W	WM	11	SW NW
12 S	2 W	WM	11	SE NW
12 S	2 W	WM	11	NE SW
12 S	2 W	WM	11	NW SW
12 S	2 W	WM	11	SW SW
12 S	2 W	WM	11	SE SW
12 S	2 W	WM	11	NE SE
12 S	2 W	WM	11	NW SE
12 S	2 W	WM	11	SW SE
12 S	2 W	WM	11	SE SE
12 S	2 W	WM	12	NW SW
12 S	2 W	WM	12	SW SW
12 S	2 W	WM	12	SE SW
12 S	2 W	WM	12	SW SE
12 S	2 W	WM	13	NW NE
12 S	2 W	WM	13	SW NE
12 S	2 W	WM	13	NE NW
12 S	2 W	WM	13	NW NW
12 S	2 W	WM	13	SW NW
12 S	2 W	WM	13	SE NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	13	NE SW
12 S	2 W	WM	13	NW SW
12 S	2 W	WM	13	SW SW
12 S	2 W	WM	13	SE SW
12 S	2 W	WM	13	NW SE
12 S	2 W	WM	14	NE NE
12 S	2 W	WM	14	NW NE
12 S	2 W	WM	14	SW NE
12 S	2 W	WM	14	SE NE
12 S	2 W	WM	14	NE NW
12 S	2 W	WM	14	NW NW
12 S	2 W	WM	14	SW NW
12 S	2 W	WM	14	SE NW
12 S	2 W	WM	14	NE SW
12 S	2 W	WM	14	NW SW
12 S	2 W	WM	14	SW SW
12 S	2 W	WM	14	SE SW
12 S	2 W	WM	14	NE SE
12 S	2 W	WM	14	NW SE
12 S	2 W	WM	14	SW SE
12 S	2 W	WM	14	SE SE
12 S	2 W	WM	15	NE NE
12 S	2 W	WM	15	NW NE
12 S	2 W	WM	15	SW NE
12 S	2 W	WM	15	SE NE
12 S	2 W	WM	15	NE NW
12 S	2 W	WM	15	NW NW
12 S	2 W	WM	15	SW NW
12 S	2 W	WM	15	SE NW
12 S	2 W	WM	15	NE SW
12 S	2 W	WM	15	NW SW
12 S	2 W	WM	15	SW SW
12 S	2 W	WM	15	SE SW
12 S	2 W	WM	15	NE SE
12 S	2 W	WM	15	NW SE
12 S	2 W	WM	15	SW SE
12 S	2 W	WM	15	SE SE
12 S	2 W	WM	16	NE NE
12 S	2 W	WM	16	NW NE
12 S	2 W	WM	16	SW NE
12 S	2 W	WM	16	SE NE
12 S	2 W	WM	16	NE NW
12 S	2 W	WM	16	NE SW
12 S	2 W	WM	16	SE SW
12 S	2 W	WM	16	NE SE
12 S	2 W	WM	16	NW SE
12 S	2 W	WM	16	SW SE
12 S	2 W	WM	16	SE SE
12 S	2 W	WM	21	NE NE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	21	NW NE
12 S	2 W	WM	21	NE NW
12 S	2 W	WM	22	NE NE
12 S	2 W	WM	22	NW NE
12 S	2 W	WM	22	SW NE
12 S	2 W	WM	22	SE NE
12 S	2 W	WM	22	NE NW
12 S	2 W	WM	22	NW NW
12 S	2 W	WM	22	SW NW
12 S	2 W	WM	22	SE NW
12 S	2 W	WM	22	NE SW
12 S	2 W	WM	22	SW SW
12 S	2 W	WM	22	SE SW
12 S	2 W	WM	22	NE SE
12 S	2 W	WM	22	NW SE
12 S	2 W	WM	22	SW SE
12 S	2 W	WM	22	SE SE
12 S	2 W	WM	23	NE NE
12 S	2 W	WM	23	NW NE
12 S	2 W	WM	23	SW NE
12 S	2 W	WM	23	SE NE
12 S	2 W	WM	23	NE NW
12 S	2 W	WM	23	NW NW
12 S	2 W	WM	23	SW NW
12 S	2 W	WM	23	SE NW
12 S	2 W	WM	23	NE SW
12 S	2 W	WM	23	NW SW
12 S	2 W	WM	23	SW SW
12 S	2 W	WM	23	SE SW
12 S	2 W	WM	23	NE SE
12 S	2 W	WM	23	NW SE
12 S	2 W	WM	23	SW SE
12 S	2 W	WM	23	SE SE
12 S	2 W	WM	24	NE NW
12 S	2 W	WM	24	NW NW
12 S	2 W	WM	24	SW NW
12 S	2 W	WM	24	SE NW
12 S	2 W	WM	24	NE SW
12 S	2 W	WM	24	NW SW
12 S	2 W	WM	24	SE SW
12 S	2 W	WM	26	NW NE
12 S	2 W	WM	26	NE NW
12 S	2 W	WM	26	NW NW
12 S	2 W	WM	27	NW NE
12 S	2 W	WM	27	NE NW

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

Certificate: 90287 in the name of CITY OF LEBANON (confirmed by Santiam and South Santiam River Decrees)

Use: MUNICIPAL USE

Priority Date: 1890

Rate: 10.0 CUBIC FEET PER SECOND

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 10.0 cubic feet per second, or its equivalent in case of rotation, measured at the point of diversion.

Source: SOUTH SANTIAM RIVER, a tributary of SANTIAM RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	1 W	WM	19	NW NW	55	1430 FEET NORTH AND 1050 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 19

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	2	NE SW
12 S	2 W	WM	2	NW SW
12 S	2 W	WM	2	SW SW
12 S	2 W	WM	2	SE SW
12 S	2 W	WM	2	NW SE
12 S	2 W	WM	2	SW SE
12 S	2 W	WM	3	NW NE
12 S	2 W	WM	3	SW NE
12 S	2 W	WM	3	SE NE
12 S	2 W	WM	3	NE NW
12 S	2 W	WM	3	NW NW
12 S	2 W	WM	3	SW NW
12 S	2 W	WM	3	SE NW
12 S	2 W	WM	3	NE SW
12 S	2 W	WM	3	NW SW
12 S	2 W	WM	3	SW SW
12 S	2 W	WM	3	SE SW
12 S	2 W	WM	3	NE SE
12 S	2 W	WM	3	NW SE
12 S	2 W	WM	3	SW SE
12 S	2 W	WM	3	SE SE
12 S	2 W	WM	4	NE NE
12 S	2 W	WM	4	NW NE
12 S	2 W	WM	4	SW NE
12 S	2 W	WM	4	SE NE
12 S	2 W	WM	4	NE SE
12 S	2 W	WM	4	NW SE
12 S	2 W	WM	4	SW SE
12 S	2 W	WM	4	SE SE
12 S	2 W	WM	9	NE NE
12 S	2 W	WM	9	NW NE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	9	SW NE
12 S	2 W	WM	9	SE NE
12 S	2 W	WM	9	SE NW
12 S	2 W	WM	9	NE SW
12 S	2 W	WM	9	NW SW
12 S	2 W	WM	9	NE SE
12 S	2 W	WM	9	NW SE
12 S	2 W	WM	9	SW SE
12 S	2 W	WM	9	SE SE
12 S	2 W	WM	10	NE NE
12 S	2 W	WM	10	NW NE
12 S	2 W	WM	10	SW NE
12 S	2 W	WM	10	SE NE
12 S	2 W	WM	10	NE NW
12 S	2 W	WM	10	NW NW
12 S	2 W	WM	10	SW NW
12 S	2 W	WM	10	SE NW
12 S	2 W	WM	10	NE SW
12 S	2 W	WM	10	NW SW
12 S	2 W	WM	10	SW SW
12 S	2 W	WM	10	SE SW
12 S	2 W	WM	10	NE SE
12 S	2 W	WM	10	NW SE
12 S	2 W	WM	10	SW SE
12 S	2 W	WM	10	SE SE
12 S	2 W	WM	11	NW NE
12 S	2 W	WM	11	SW NE
12 S	2 W	WM	11	SE NE
12 S	2 W	WM	11	NE NW
12 S	2 W	WM	11	NW NW
12 S	2 W	WM	11	SW NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	11	SE NW
12 S	2 W	WM	11	NE SW
12 S	2 W	WM	11	NW SW
12 S	2 W	WM	11	SW SW
12 S	2 W	WM	11	SE SW
12 S	2 W	WM	11	NE SE
12 S	2 W	WM	11	NW SE
12 S	2 W	WM	11	SW SE
12 S	2 W	WM	11	SE SE
12 S	2 W	WM	12	NE SW
12 S	2 W	WM	12	NW SW
12 S	2 W	WM	12	SW SW
12 S	2 W	WM	12	SE SW
12 S	2 W	WM	12	SW SE
12 S	2 W	WM	13	NW NE
12 S	2 W	WM	13	SW NE
12 S	2 W	WM	13	NE NW
12 S	2 W	WM	13	NW NW
12 S	2 W	WM	13	SW NW
12 S	2 W	WM	13	SE NW
12 S	2 W	WM	13	NE SW
12 S	2 W	WM	13	NW SW
12 S	2 W	WM	13	SW SW
12 S	2 W	WM	13	SE SW
12 S	2 W	WM	14	NE NE
12 S	2 W	WM	14	NW NE
12 S	2 W	WM	14	SW NE
12 S	2 W	WM	14	SE NE
12 S	2 W	WM	14	NE NW
12 S	2 W	WM	14	NW NW
12 S	2 W	WM	14	SW NW
12 S	2 W	WM	14	SE NW
12 S	2 W	WM	14	NE SW
12 S	2 W	WM	14	NW SW
12 S	2 W	WM	14	SW SW
12 S	2 W	WM	14	SE SW
12 S	2 W	WM	14	NE SE
12 S	2 W	WM	14	NW SE
12 S	2 W	WM	14	SW SE
12 S	2 W	WM	14	SE SE
12 S	2 W	WM	15	NE NE
12 S	2 W	WM	15	NW NE
12 S	2 W	WM	15	SW NE
12 S	2 W	WM	15	SE NE
12 S	2 W	WM	15	NE NW
12 S	2 W	WM	15	NW NW
12 S	2 W	WM	15	SW NW
12 S	2 W	WM	15	SE NW
12 S	2 W	WM	15	NE SW
12 S	2 W	WM	15	NW SW
12 S	2 W	WM	15	SW SW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	15	SE SW
12 S	2 W	WM	15	NE SE
12 S	2 W	WM	15	NW SE
12 S	2 W	WM	15	SW SE
12 S	2 W	WM	15	SE SE
12 S	2 W	WM	16	NE NE
12 S	2 W	WM	16	NW NE
12 S	2 W	WM	16	SW NE
12 S	2 W	WM	16	SE NE
12 S	2 W	WM	16	NE NW
12 S	2 W	WM	16	NE SE
12 S	2 W	WM	16	NW SE
12 S	2 W	WM	16	SW SE
12 S	2 W	WM	16	SE SE
12 S	2 W	WM	21	SE NE
12 S	2 W	WM	21	NE SE
12 S	2 W	WM	21	SE SE
12 S	2 W	WM	22	NE NE
12 S	2 W	WM	22	NW NE
12 S	2 W	WM	22	SW NE
12 S	2 W	WM	22	SE NE
12 S	2 W	WM	22	NE NW
12 S	2 W	WM	22	NW NW
12 S	2 W	WM	22	SW NW
12 S	2 W	WM	22	SE NW
12 S	2 W	WM	22	NE SW
12 S	2 W	WM	22	NW SW
12 S	2 W	WM	22	SW SW
12 S	2 W	WM	22	SE SW
12 S	2 W	WM	22	NE SE
12 S	2 W	WM	22	NW SE
12 S	2 W	WM	22	SW SE
12 S	2 W	WM	22	SE SE
12 S	2 W	WM	23	NE NE
12 S	2 W	WM	23	NW NE
12 S	2 W	WM	23	SW NE
12 S	2 W	WM	23	SE NE
12 S	2 W	WM	23	NE NW
12 S	2 W	WM	23	NW NW
12 S	2 W	WM	23	SW NW
12 S	2 W	WM	23	SE NW
12 S	2 W	WM	23	NE SW
12 S	2 W	WM	23	NW SW
12 S	2 W	WM	23	SW SW
12 S	2 W	WM	23	SE SW
12 S	2 W	WM	23	NE SE
12 S	2 W	WM	23	NW SE
12 S	2 W	WM	23	SW SE
12 S	2 W	WM	23	SE SE
12 S	2 W	WM	24	SW NW
12 S	2 W	WM	24	SE NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	24	NE SW
12 S	2 W	WM	24	NW SW
12 S	2 W	WM	24	SW SW
12 S	2 W	WM	24	SE SW
12 S	2 W	WM	24	NW SE
12 S	2 W	WM	24	SW SE
12 S	2 W	WM	25	NE NW
12 S	2 W	WM	25	NW NW
12 S	2 W	WM	25	SW NW
12 S	2 W	WM	25	SE NW
12 S	2 W	WM	26	NE NE
12 S	2 W	WM	26	NW NE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	2 W	WM	26	SW NE
12 S	2 W	WM	26	SE NE
12 S	2 W	WM	26	NE NW
12 S	2 W	WM	26	NW NW
12 S	2 W	WM	26	SW NW
12 S	2 W	WM	26	NE SE
12 S	2 W	WM	26	NW SE
12 S	2 W	WM	27	NE NE
12 S	2 W	WM	27	NW NE
12 S	2 W	WM	27	SW NE
12 S	2 W	WM	27	SE NE
12 S	2 W	WM	27	SE NW

10. Transfer Application T-12091 proposes an additional point of diversion approximately 1.0 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	2 W	WM	24	NW NW	SOUTH 78° 49' 26" EAST 2,953.49 FEET FROM THE SE CORNER OF THE RUSSEL T. HILL DLC NO. 77

11. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new point of diversion to prevent fish from entering the diversion and that the diversion is not currently equipped with an appropriate fish screen. This diversion may be eligible for screening cost-share funds.

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

12. 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.
13. A pump, pipeline, and distribution system 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-12091.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The additional point of diversion and change in place of use proposed in Transfer Application T-12091 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-12091 is approved, the final order will include the following:

- 1. The additional point of diversion and change in place of use proposed in Transfer Application T-1209 are approved.*
- 2. Except as provided in ORS 540.510(3)(a) 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 49385 and 90287 and any related decree.*
- 3. Water right Certificates 49385 and 90287 are cancelled.*
- 4. The quantity of water diverted at the additional point of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*
- 5. Prior to diverting water, the water user shall install an approved fish screen at the new point of diversion and shall provide to the OWRD a written statement from Oregon Department of Fish and Wildlife (ODFW) that the installed screen meets the state's criteria, or that ODFW has determined a screen is not necessary.*
The water user shall operate and maintain the fish screen at the new point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.
- 6. 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.*
- 7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 2 day of October, 2015.


Dwight French, Water Right Services Administrator, for
Thomas M. Esler, Director
Oregon Water Resources Department

This Preliminary Determination was prepared by a reimbursement authority contractor. If you have question about the information in this document, you may reach Lanaya Blakely at (503) 986-0888 or Lanaya.F.Blakely@wrdr.state.or.us.