

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

In the Matter of Transfer Application            )    **PRELIMINARY DETERMINATION**  
T-12120, Lane County                            )    **PROPOSING APPROVAL OF A**  
                                                          )    **CHANGE IN CHARACTER OF USE**

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish 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 Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

US BUREAU OF RECLAMATION  
ATTN: DAWN WIEDMEIER  
1917 MARSH RD  
YAKIMA, WA 98901

**Findings of Fact**

1. On July 31, 2015, US BUREAU OF RECLAMATION filed an application to change the character of use under Certificate 72755. The Department assigned the application number T-12120.
2. Notice of the application for transfer was published on August 4, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 11, 2015, the Department e-mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12120 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 11, 2015, for the applicant to respond. The applicant requested that the Department clarify wording in the draft preliminary determination regarding the quantity of water involved in the transfer and instructed the Department to proceed, once the clarification is complete, 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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4. The portion of the right to be transferred is as follows:

**Certificate:** 72755 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit R-1625)  
**Use:** STORAGE FOR IRRIGATION  
**Priority Date:** AUGUST 16, 1954  
**Quantity:** 437.0 ACRE-FEET FROM COTTAGE GROVE AND DORENA LAKE RESERVOIRS IN ANY COMBINATION  
**Sources:** COAST FORK WILLAMETTE RIVER IN COTTAGE GROVE RESERVOIR AND ROW RIVER IN DORENA RESERVOIR, tributaries to the COAST FORK WILLAMETTE RIVER

**Authorized Places of Use:**

COTTAGE GROVE RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
21 S	3 W	WM	27	NE NE
21 S	3 W	WM	27	NW NE
21 S	3 W	WM	27	SW NE
21 S	3 W	WM	27	SE NE
21 S	3 W	WM	27	NE NW
21 S	3 W	WM	27	NW NW
21 S	3 W	WM	27	SW NW
21 S	3 W	WM	27	SE NW
21 S	3 W	WM	27	NE SW
21 S	3 W	WM	27	NW SW
21 S	3 W	WM	27	SW SW
21 S	3 W	WM	27	SE SW
21 S	3 W	WM	27	NE SE
21 S	3 W	WM	27	NW SE
21 S	3 W	WM	27	SW SE
21 S	3 W	WM	27	SE SE
21 S	3 W	WM	28	NE NE
21 S	3 W	WM	28	NW NE
21 S	3 W	WM	28	SW NE
21 S	3 W	WM	28	SE NE
21 S	3 W	WM	28	NE NW
21 S	3 W	WM	28	NW NW
21 S	3 W	WM	28	SW NW
21 S	3 W	WM	28	SE NW
21 S	3 W	WM	28	NE SW
21 S	3 W	WM	28	NW SW
21 S	3 W	WM	28	SW SW
21 S	3 W	WM	28	SE SW
21 S	3 W	WM	28	NE SE
21 S	3 W	WM	28	NW SE
21 S	3 W	WM	28	SW SE
21 S	3 W	WM	28	SE SE
21 S	3 W	WM	29	NE NE
21 S	3 W	WM	29	NW NE

DORENA RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
20 S	2 W	WM	32	NE NE
20 S	2 W	WM	32	NW NE
20 S	2 W	WM	32	SW NE
20 S	2 W	WM	32	SE NE
20 S	2 W	WM	32	NE NW
20 S	2 W	WM	32	NW NW
20 S	2 W	WM	32	SW NW
20 S	2 W	WM	32	SE NW
20 S	2 W	WM	32	NE SW
20 S	2 W	WM	32	NW SW
20 S	2 W	WM	32	SW SW
20 S	2 W	WM	32	SE SW
20 S	2 W	WM	32	NE SE
20 S	2 W	WM	32	NW SE
20 S	2 W	WM	32	SW SE
20 S	2 W	WM	32	SE SE
20 S	2 W	WM	33	NE NE
20 S	2 W	WM	33	NW NE
20 S	2 W	WM	33	SW NE
20 S	2 W	WM	33	SE NE
20 S	2 W	WM	33	NE NW
20 S	2 W	WM	33	NW NW
20 S	2 W	WM	33	SW NW
20 S	2 W	WM	33	SE NW
20 S	2 W	WM	33	NE SW
20 S	2 W	WM	33	NW SW
20 S	2 W	WM	33	SW SW
20 S	2 W	WM	33	SE SW
20 S	2 W	WM	33	NE SE
20 S	2 W	WM	33	NW SE
20 S	2 W	WM	33	SW SE
20 S	2 W	WM	33	SE SE
20 S	2 W	WM	34	NE NE
20 S	2 W	WM	34	NW NE

COTTAGE GROVE RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
21 S	3 W	WM	29	SW NE
21 S	3 W	WM	29	SE NE
21 S	3 W	WM	29	NE NW
21 S	3 W	WM	29	NW NW
21 S	3 W	WM	29	SW NW
21 S	3 W	WM	29	SE NW
21 S	3 W	WM	29	NE SW
21 S	3 W	WM	29	NW SW
21 S	3 W	WM	29	SW SW
21 S	3 W	WM	29	SE SW
21 S	3 W	WM	29	NE SE
21 S	3 W	WM	29	NW SE
21 S	3 W	WM	29	SW SE
21 S	3 W	WM	29	SE SE
21 S	3 W	WM	32	NE NE
21 S	3 W	WM	32	NW NE
21 S	3 W	WM	32	SW NE
21 S	3 W	WM	32	SE NE
21 S	3 W	WM	32	NE NW
21 S	3 W	WM	32	NW NW
21 S	3 W	WM	32	SW NW
21 S	3 W	WM	32	SE NW
21 S	3 W	WM	32	NE SW
21 S	3 W	WM	32	NW SW
21 S	3 W	WM	32	SW SW
21 S	3 W	WM	32	SE SW
21 S	3 W	WM	32	NE SE
21 S	3 W	WM	32	NW SE
21 S	3 W	WM	32	SW SE
21 S	3 W	WM	32	SE SE
21 S	3 W	WM	33	NE NE
21 S	3 W	WM	33	NW NE
21 S	3 W	WM	33	SW NE
21 S	3 W	WM	33	SE NE
21 S	3 W	WM	33	NE NW
21 S	3 W	WM	33	NW NW
21 S	3 W	WM	33	SW NW
21 S	3 W	WM	33	SE NW
21 S	3 W	WM	33	NE SW
21 S	3 W	WM	33	NW SW
21 S	3 W	WM	33	SW SW
21 S	3 W	WM	33	SE SW
21 S	3 W	WM	33	NE SE
21 S	3 W	WM	33	NW SE
21 S	3 W	WM	33	SW SE
21 S	3 W	WM	33	SE SE
22 S	3 W	WM	4	NE NE
22 S	3 W	WM	4	NW NE

DORENA RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
20 S	2 W	WM	34	SW NE
20 S	2 W	WM	34	SE NE
20 S	2 W	WM	34	NE NW
20 S	2 W	WM	34	NW NW
20 S	2 W	WM	34	SW NW
20 S	2 W	WM	34	SE NW
20 S	2 W	WM	34	NE SW
20 S	2 W	WM	34	NW SW
20 S	2 W	WM	34	SW SW
20 S	2 W	WM	34	SE SW
20 S	2 W	WM	34	NE SE
20 S	2 W	WM	34	NW SE
20 S	2 W	WM	34	SW SE
20 S	2 W	WM	34	SE SE
21 S	2 W	WM	2	NE NE
21 S	2 W	WM	2	NW NE
21 S	2 W	WM	2	SW NE
21 S	2 W	WM	2	SE NE
21 S	2 W	WM	2	NE NW
21 S	2 W	WM	2	NW NW
21 S	2 W	WM	2	SW NW
21 S	2 W	WM	2	SE NW
21 S	2 W	WM	2	NE SW
21 S	2 W	WM	2	NW SW
21 S	2 W	WM	2	SW SW
21 S	2 W	WM	2	SE SW
21 S	2 W	WM	2	NE SE
21 S	2 W	WM	2	NW SE
21 S	2 W	WM	2	SW SE
21 S	2 W	WM	2	SE SE
21 S	2 W	WM	3	NE NE
21 S	2 W	WM	3	NW NE
21 S	2 W	WM	3	SW NE
21 S	2 W	WM	3	SE NE
21 S	2 W	WM	3	NE NW
21 S	2 W	WM	3	NW NW
21 S	2 W	WM	3	SW NW
21 S	2 W	WM	3	SE NW
21 S	2 W	WM	3	NE SW
21 S	2 W	WM	3	NW SW
21 S	2 W	WM	3	SW SW
21 S	2 W	WM	3	SE SW
21 S	2 W	WM	3	NE SE
21 S	2 W	WM	3	NW SE
21 S	2 W	WM	3	SW SE
21 S	2 W	WM	3	SE SE
21 S	2 W	WM	4	NE NE
21 S	2 W	WM	4	NW NE

COTTAGE GROVE RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
22 S	3 W	WM	4	SW NE
22 S	3 W	WM	4	SE NE
22 S	3 W	WM	4	NE NW
22 S	3 W	WM	4	NW NW
22 S	3 W	WM	4	SW NW
22 S	3 W	WM	4	SE NW
22 S	3 W	WM	4	NE SW
22 S	3 W	WM	4	NW SW
22 S	3 W	WM	4	SW SW
22 S	3 W	WM	4	SE SW
22 S	3 W	WM	4	NE SE
22 S	3 W	WM	4	NW SE
22 S	3 W	WM	4	SW SE
22 S	3 W	WM	4	SE SE
22 S	3 W	WM	5	NE NE
22 S	3 W	WM	5	NW NE
22 S	3 W	WM	5	SW NE
22 S	3 W	WM	5	SE NE
22 S	3 W	WM	5	NE NW
22 S	3 W	WM	5	NW NW
22 S	3 W	WM	5	SW NW
22 S	3 W	WM	5	SE NW
22 S	3 W	WM	5	NE SW
22 S	3 W	WM	5	NW SW
22 S	3 W	WM	5	SW SW
22 S	3 W	WM	5	SE SW
22 S	3 W	WM	5	NE SE
22 S	3 W	WM	5	NW SE
22 S	3 W	WM	5	SW SE
22 S	3 W	WM	5	SE SE
22 S	3 W	WM	8	NE NE
22 S	3 W	WM	8	NW NE
22 S	3 W	WM	8	SW NE
22 S	3 W	WM	8	SE NE
22 S	3 W	WM	8	NE NW
22 S	3 W	WM	8	NW NW
22 S	3 W	WM	8	SW NW
22 S	3 W	WM	8	SE NW
22 S	3 W	WM	8	NE SW
22 S	3 W	WM	8	NW SW
22 S	3 W	WM	8	SW SW
22 S	3 W	WM	8	SE SW
22 S	3 W	WM	8	NE SE
22 S	3 W	WM	8	NW SE
22 S	3 W	WM	8	SW SE
22 S	3 W	WM	8	SE SE

DORENA RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
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21 S	2 W	WM	4	SE NE
21 S	2 W	WM	4	NE NW
21 S	2 W	WM	4	NW NW
21 S	2 W	WM	4	SW NW
21 S	2 W	WM	4	SE NW
21 S	2 W	WM	4	NE SW
21 S	2 W	WM	4	NW SW
21 S	2 W	WM	4	SW SW
21 S	2 W	WM	4	SE SW
21 S	2 W	WM	4	NE SE
21 S	2 W	WM	4	NW SE
21 S	2 W	WM	4	SW SE
21 S	2 W	WM	4	SE SE
21 S	2 W	WM	5	NE NE
21 S	2 W	WM	5	NW NE
21 S	2 W	WM	5	SW NE
21 S	2 W	WM	5	SE NE
21 S	2 W	WM	5	NE NW
21 S	2 W	WM	5	NW NW
21 S	2 W	WM	5	SW NW
21 S	2 W	WM	5	SE NW
21 S	2 W	WM	5	NE SW
21 S	2 W	WM	5	NW SW
21 S	2 W	WM	5	SW SW
21 S	2 W	WM	5	SE SW
21 S	2 W	WM	5	NE SE
21 S	2 W	WM	5	NW SE
21 S	2 W	WM	5	SW SE
21 S	2 W	WM	5	SE SE
21 S	2 W	WM	10	NE NE
21 S	2 W	WM	10	NW NE
21 S	2 W	WM	10	SW NE
21 S	2 W	WM	10	SE NE
21 S	2 W	WM	10	NE NW
21 S	2 W	WM	10	NW NW
21 S	2 W	WM	10	SW NW
21 S	2 W	WM	10	SE NW
21 S	2 W	WM	10	NE SW
21 S	2 W	WM	10	NW SW
21 S	2 W	WM	10	SW SW
21 S	2 W	WM	10	SE SW
21 S	2 W	WM	10	NE SE
21 S	2 W	WM	10	NW SE
21 S	2 W	WM	10	SW SE
21 S	2 W	WM	10	SE SE
21 S	2 W	WM	11	NE NE
21 S	2 W	WM	11	NW NE
21 S	2 W	WM	11	SW NE

DORENA RESERVOIR STORAGE FOR IRRIGATION WITHIN PORTIONS OF THE FOLLOWING:				
Twp	Rng	Mer	Sec	Q-Q
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21 S	2 W	WM	11	NW NW
21 S	2 W	WM	11	SW NW
21 S	2 W	WM	11	SE NW
21 S	2 W	WM	11	NE SW
21 S	2 W	WM	11	NW SW
21 S	2 W	WM	11	SW SW
21 S	2 W	WM	11	SE SW
21 S	2 W	WM	11	NE SE
21 S	2 W	WM	11	NW SE
21 S	2 W	WM	11	SW SE
21 S	2 W	WM	11	SE SE
21 S	2 W	WM	13	NE NE
21 S	2 W	WM	13	NW NE
21 S	2 W	WM	13	SW NE
21 S	2 W	WM	13	SE NE
21 S	2 W	WM	13	NE NW
21 S	2 W	WM	13	NW NW
21 S	2 W	WM	13	SW NW
21 S	2 W	WM	13	SE NW
21 S	2 W	WM	13	NE SW
21 S	2 W	WM	13	NW SW
21 S	2 W	WM	13	SW SW
21 S	2 W	WM	13	SE SW
21 S	2 W	WM	13	NE SE
21 S	2 W	WM	13	NW SE
21 S	2 W	WM	13	SW SE
21 S	2 W	WM	13	SE SE
21 S	2 W	WM	14	NE NE
21 S	2 W	WM	14	NW NE
21 S	2 W	WM	14	SW NE
21 S	2 W	WM	14	SE NE
21 S	2 W	WM	14	NE NW
21 S	2 W	WM	14	NW NW
21 S	2 W	WM	14	SW NW
21 S	2 W	WM	14	SE NW
21 S	2 W	WM	14	NE SW
21 S	2 W	WM	14	NW SW
21 S	2 W	WM	14	SW SW
21 S	2 W	WM	14	SE SW
21 S	2 W	WM	14	NE SE
21 S	2 W	WM	14	NW SE
21 S	2 W	WM	14	SW SE
21 S	2 W	WM	14	SE SE

5. Transfer Application T-12120 proposes to change the character of use of the above described 437.0 acre feet to storage for municipal and industrial use.

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

6. 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.
7. A dam structure sufficient to use the full amount of water allowed under the existing right is present within the five-year period prior to submittal of Transfer Application T-12120.
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 character of use proposed in Transfer Application T-12120 appears 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-12120 is approved, the final order will include the following:*

1. *The change in character of use proposed in Transfer Application T-12120 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 72755 and any related decree.*
3. *Water right Certificate 72755 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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.*

5. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 2 day of March, 2016.

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

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@wrд.state.or.us](mailto:Patrick.K.Starnes@wrд.state.or.us).

*Protests should be addressed to the attention of Water Rights Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*