



# Oregon

Kate Brown, Governor

**Water Resources Department**

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January 31, 2017

GUIDO LAND AND EQUIPMENT CO, LLC &  
CALLAHAN RIDGE, LLC  
640 SHADY DR  
ROSEBURG, OR 97471

SUBJECT: Water Right Transfer Application T-12496

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12496. 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 Roseburg News-Review 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 503-986-0890 or [Sarah.A.Henderson@oregon.gov](mailto:Sarah.A.Henderson@oregon.gov) if I may be of assistance.

Sincerely,

Sarah Henderson, Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-12496  
Susan Douthit, District 15 Watermaster (*via e-mail*)  
Clay Jordan, CWRE (*via e-mail*)

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

In the Matter of Transfer Application            )  
T-12496, Douglas County                        )  
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PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF  
CHANGES IN POINTS OF  
DIVERSION, ADDITIONAL POINTS  
OF DIVERSION, PLACE OF USE, AND  
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**

GUIDO LAND AND EQUIPMENT CO, LLC &  
CALLAHAN RIDGE, LLC  
640 SHADY DR  
ROSEBURG, OR 97471

**Findings of Fact**

1. On September 30, 2016, GUIDO LAND AND EQUIPMENT CO, LLC & CALLAHAN RIDGE, LLC filed an application for additional points of diversion, to change the place of use, and character of use under Certificates 35454 and 43742; to change the point of diversion, for additional points of diversion, to change the place of use, and character of use under Certificates 49020 and 61946; to change the point of diversion, place of use and character of use under Certificates 49118 and 91507. The Department assigned the application number T-12496.
2. Notice of the application for transfer was published on October 11, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 16, 2016, the Department contacted the applicants Certified Water Right Examiner to notify them of deficiencies in the application and application map.
4. On November 28, 2016, the Certified Water Right Examiner submitted documentation resolving the deficiencies.

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. On December 16, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12496 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 15, 2017, for the applicants to respond. The applicants 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.

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

**Certificate:** 35454 in the name of BYRON BELMONT (perfected under Permit S-31172)  
**Use:** IRRIGATION of 18.5 ACRES  
**Priority Date:** JANUARY 5, 1966  
**Rate:** 0.23 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.  
**Source:** SOUTH UMPQUA RIVER, tributary of UMPQUA RIVER

**Authorized Point of Diversion (POD):**

Twtp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	4	SE NW	7	4330 FEET NORTH AND 300 FEET EAST FROM THE INTERIOR CORNER ON THE WEST BOUNDRY OF MCKINNEY DLC 50

**Authorized Place of Use:**

IRRIGATION							
Twtp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
27 S	6 W	WM	4	NE NW	8		0.1
27 S	6 W	WM	4	SE NW	7		1.5
27 S	6 W	WM	4	SE NW		50	6.0
27 S	6 W	WM	4	NE SW		50	8.4
27 S	6 W	WM	4	SE SW		50	2.5
Total							18.5

7. Certificate 35454 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.

8. Transfer Application T-12496 proposes additional points of diversion, described as follows, with the approximate distances downstream from the existing point of diversion (POD):

Twtp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
27 S	6 W	WM	4	NE NW	7	POD 1 – 1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER	534 feet

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
						OF SECTION 4	
27 S	6 W	WM	4	NE NW	8	POD 2 – 1080 FEET SOUTH AND 2175 FEET EAST FROM THE NW CORNER OF SECTION 4	756 feet
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5	0.8 mile

9. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

10. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.

11. The total volume of water that may be diverted for Quasi-Municipal uses is 46.25 acre-feet March 1 through October 31. (2.5 x 18.5 = 46.25).

12. The portion of the second right to be transferred is as follows:

**Certificate:** 43742 in the name of FRANK GUIDO (perfected under Permit S-23462)  
**Use:** IRRIGATION of 21.2 ACRES  
**Priority Date:** MARCH 24, 1955  
**Rate:** 0.27 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 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.  
**Source:** SOUTH UMPQUA RIVER, tributary of UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot
27 S	6 W	WM	4	NE NW	8

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	6 W	WM	4	SW NW		4.9
27 S	6 W	WM	4	SE NW	9	0.5
27 S	6 W	WM	4	NE SW	10	6.3
27 S	6 W	WM	4	NW SW		9.5
Total						21.2

13. Information is available from the applicant and Certified Water Right Examiner indicating that the point of diversion is more accurately described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	4	NE NW	7	1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER OF SECTION 4

14. Certificate 43742 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.

15. Transfer Application T-12496 proposes additional points of diversion, described as follows, with the approximate distances downstream from the existing point of diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
27 S	6 W	WM	4	NE NW	7	POD 1 – 1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER OF SECTION 4	0 feet
27 S	6 W	WM	4	NE NW	8	POD 2 – 1080 FEET SOUTH AND 2175 FEET EAST FROM THE NW CORNER OF SECTION 4	273 feet
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5	0.7 mile

16. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

17. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
18. The total volume of water that may be diverted for Quasi-Municipal uses is 53.0 acre-feet March 1 through October 31. (2.5 x 21.2 = 53.0).
19. The portion of the third right to be transferred is as follows:

**Certificate:** 49020 in the name of DUANE CONN (perfected under Permit S-40668)  
**Use:** IRRIGATION of 33.8 ACRES  
**Priority Date:** JUNE 1, 1976  
**Rate:** 0.42 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.  
**Source:** SOUTH UMPQUA RIVER, tributary of UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	6 W	WM	32	SE SE	*100 FEET NORTH AND 540 FEET WEST FROM THE SE CORNER OF SECTION 32

\*Known as POD 6

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
27 S	6 W	WM	5	NE SE		15.6	USE, POU, POD
27 S	6 W	WM	5	SE SE		5.3	USE, POU, POD
27 S	6 W	WM	5	SE SE		11.7	APOD ONLY
27 S	6 W	WM	8	NE NE	1	1.2	APOD ONLY
Total APOD Change						12.9	
Total USE and POU and POD Change						20.9	

\*Type of Changes: USE=Character of Use, POU=Place of Use, POD=Point of Diversion, APOD=Additional Point of Diversion

20. Certificate 49020 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.
21. Transfer Application T-12496 proposes to move the authorized point of diversion and an additional point of diversion, approximately 163 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

22. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

23. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.

24. The total volume of water that may be diverted for Quasi-Municipal uses is 52.25 acre-feet March 1 through October 31. (2.5 x 20.9 = 52.25).

25. The portion of the fourth right to be transferred is as follows:

**Certificate:** 49118 in the name of STEPHAN BLAKE CONN (perfected under Permit S-38567)

**Use:** IRRIGATION of 8.6 ACRES

**Priority Date:** MAY 1, 1975

**Rate:** 0.11 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.

**Source:** SOUTH UMPQUA RIVER, tributary of UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	6 W	WM	32	SE SE	110 FEET NORTH AND 490 FEET WEST FROM THE SE CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	6 W	WM	32	SE SE		0.4
27 S	6 W	WM	5	NE NE	1	8.2
Total						8.6

26. Certificate 49118 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.
27. Transfer Application T-12496 proposes to move the authorized point of diversion approximately 205 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

28. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

29. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
30. The total volume of water that may be diverted for Quasi-Municipal uses is 21.5 acre-feet March 1 through October 31. (2.5 x 8.6 = 21.5).
31. The fifth right to be transferred is as follows:

**Certificate:** 61946 in the name of LAURANCE'S GARDENS (perfected under Permit S-45253)

**Use:** IRRIGATING 37.8 ACRES

**Priority Date:** JULY 31, 1980

**Rate:** 0.47 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.

**Source:** SOUTH UMPQUA RIVER, tributary of UMPQUA RIVER



**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	600 FEET WEST FROM THE NE CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
27 S	6 W	WM	5	NE SE	18.2	USE, POU, POD
27 S	6 W	WM	5	SE SE	5.7	USE, POU, POD
27 S	6 W	WM	5	SE SE	12.5	APOD ONLY
27 S	6 W	WM	8	NE NE	1.4	APOD ONLY
Total APOD Change					13.9	
Total USE and POU and POD Change					23.9	

32. Certificate 49118 does not specify the irrigation season. Nor is an irrigation season specified by Basin Program or Decree. Consistent with OAR 690-250, the irrigation season is March 1 through October 31.
33. Transfer Application T-12496 proposes to move the authorized point of diversion and add an additional point of diversion, as described in Finding of Fact No. 30, approximately 163 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5

34. Transfer Application T-12496 also proposes to change the place of use of the right to:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

35. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
36. The total volume of water that may be diverted for Quasi-Municipal uses is 59.75 acre-feet March 1 through October 31. (2.5 x 23.9 = 59.75).

37. The portion of the sixth right to be transferred is as follows:

**Certificate:** 91507 in the name of DOUGLAS COUNTY PUBLIC WORKS (perfected under Permit S-52930)  
**Use:** SUPPLEMENTAL IRRIGATION OF 18.5 ACRES  
**Priority Date:** SEPTEMBER 26, 1990  
**Rate:** 53.0 ACRE-FEET  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH, of one cubic foot per second (or its equivalent) 2.5 acre-feet within the South Umpqua basin for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER IN THE SOUTH UMPQUA SUBBASIN  
**Source:** GALESVILLE RESERVOIR, CONSTRUCTED UNDER PERMIT R-9964, tributary of UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	4	SE NW	1	1620 FEET SOUTH AND 140 FEET WEST FROM THE N1/4 CORNER OF SECTION 4

**Authorized Place of Use:**

SUPPLEMENTAL IRRIGATION FROM GALESVILLE RESERVOIR WITHIN THE SOUTH UMPQUA RIVER SUBBASIN							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
27 S	6 W	WM	4	NE NW	8		0.1
27 S	6 W	WM	4	SE NW	1		1.5
27 S	6 W	WM	4	SE NW		50	6.0
27 S	6 W	WM	4	NE SW		50	8.4
27 S	6 W	WM	4	SE SW		50	2.5
Total							18.5

38. Transfer Application T-12496 proposes to move the point of diversion, described as follows, with the approximate distances downstream from the existing point of diversion (POD):

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	~Distance from authorized POD
27 S	6 W	WM	4	NE NW	7	POD 1 – 1315 FEET SOUTH AND 2315 FEET EAST FROM THE NW CORNER OF SECTION 4	534 feet
27 S	6 W	WM	4	NE NW	8	POD 2 – 1080 FEET SOUTH AND 2175 FEET EAST FROM THE NW CORNER OF SECTION 4	756 feet
27 S	6 W	WM	5	NE NE	1	POD 3 – 20 FEET SOUTH AND 650 FEET WEST FROM THE NE CORNER OF SECTION 5	0.8 mile

39. Transfer Application T-12496 also proposes to change the place of use of the right to:

IRRIGATION				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	32	SE SE
26 S	6 W	WM	33	SW SW
27 S	6 W	WM	4	NE NW
27 S	6 W	WM	4	NW NW
27 S	6 W	WM	4	SW NW
27 S	6 W	WM	4	SE NW
27 S	6 W	WM	4	NE SW
27 S	6 W	WM	4	NW SW
27 S	6 W	WM	4	SW SW
27 S	6 W	WM	4	SE SW
27 S	6 W	WM	5	NE NE
27 S	6 W	WM	5	SE NE
27 S	6 W	WM	5	NE SE
27 S	6 W	WM	5	SE SE

40. Transfer Application T-12496 also proposes to change the character of use to Quasi-Municipal. The use will be limited to the irrigation season of March 1 through October 31.
41. The total volume of water that may be diverted for Quasi-Municipal uses is 46.25 acre-feet March 1 through October 31. ( $2.5 \times 18.5 = 46.25$ ).
42. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at the new points 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)]***

43. 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 rights are subject to forfeiture under ORS 540.610.
44. A pump, pipeline, and sprinkler 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-12496.
45. The proposed changes, as conditioned, would not result in enlargement of the rights.
46. The proposed changes, as conditioned, would not result in injury to other water rights.

**Determination and Proposed Action**

The change in points of diversion and additional points of diversion and change in place of use and change in character of use proposed in Transfer Application T-12496 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.

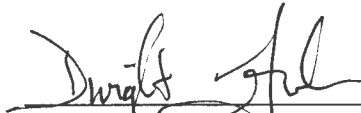
*If Transfer Application T-12496 is approved, the final order will include the following:*

- 1. The change in points of diversion and additional points of diversion and change in place of use and change in character of use proposed in Transfer Application T-12496 are approved.*
- 2. The period of use is limited to the irrigation season of March 1 through October 31.*
- 3. 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 35454, 43742, 49020, 49118, 61946 and 91507 and any related decree.*
- 4. Water right Certificates 35454, 43742, 49020, 49118, 61946 and 91507 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 5. The use of water under the right described by Certificate 35454 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.23 cfs and further limited to a total quantity of water diverted of 46.25 acre-feet during the irrigation season March 1 through October 31.*
- 6. The use of water under the right described by Certificate 43742 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.27 cfs and further limited to a total quantity of water diverted of 53.0 acre-feet during the irrigation season March 1 through October 31.*
- 7. The use of water under the right described by Certificate 49020 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.26 cfs and further limited to a total quantity of water diverted of 52.25 acre-feet during the irrigation season March 1 through October 31.*
- 8. The use of water under the right described by Certificate 49118 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.11 cfs and further limited to a total quantity of water diverted of 21.5 acre-feet during the irrigation season March 1 through October 31.*
- 9. The use of water under the right described by Certificate 61946 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.30 cfs and further limited to a total quantity of water diverted of 59.75 acre-feet during the irrigation season March 1 through October 31.*
- 10. The use of water under the right described by Certificate 91507 under the proposed quasi-municipal use shall be limited to a rate of diversion of 0.23 cfs and further limited to a total quantity of water diverted of 46.25 acre-feet during the irrigation season March 1 through October 31.*
- 11. The quantity of water diverted at the new points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*

12. *The quantity of water diverted at the additional points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.*
13. *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 diversion (new and existing).*
  - 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.*
14. *Reservoir water use measurement:*
  - a. *Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*
  - b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*
15. *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.*
16. *The former place of use of the transferred rights shall no longer receive water under the rights, except for quasi-municipal use as modified by this order.*
17. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.*
18. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 31 day of January, 2017.



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

This Preliminary Determination was prepared by Sarah Henderson. If you have questions about the information in this document, you may reach me at 503-986-0890 or [Sarah.A.Henderson@wrд.state.or.us](mailto:Sarah.A.Henderson@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.*

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act, 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>