



Oregon

Kate Brown, Governor

Water Resources Department
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Salem, OR 97301
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May 12, 2017

CRANFORD LAND CO.
PO BOX 19643
PORTLAND, OR 97280

SUBJECT: Water Right Transfer Application T-12598

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12598. 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 Polk County Itemizer-Observer 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 503-986-0827 or duff.a.martin@oregon.gov if I may be of assistance.

Sincerely,

Duff Martin
Transfer Specialist
Transfer and Conservation Section

cc: Transfer file Application T-12598
Joel M. Plahn, District 16 Watermaster (*via e-mail*)

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

In the Matter of Transfer Application) **PRELIMINARY DETERMINATION**
T-12598, Polk 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

CRANFORD LAND CO.
PO BOX 19643
PORTLAND, OR 97280

Findings of Fact

1. On February 21, 2017, Cranford Land Co. filed an application to change the character of use under Certificate 83164. The Department assigned the application number T-12598.
2. Notice of the application for transfer was published on March 7, 2017, pursuant to OAR 690-380-4000.
3. On April 12, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12598 and sent a copy to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 12, 2017, for the applicant to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination on May 1, 2017 and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
4. The right to be transferred is as follows:
 - Certificate:** 83164 in the name of VIRGEL L. CLARK (perfected under Permit R-9389)
 - Use:** **STORAGE FOR RECREATION**
 - Priority Date:** **JULY 29, 1983**

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.

Maximum

Storage Volume: 0.7 ACRE FOOT EACH YEAR

Source: RUNOFF AND INTERMITTENT SPRINGS

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	5 W	WM	6	SE NW	39	60 FEET SOUTH AND 1630 FEET EAST FROM THE NW CORNER OF DLC 39

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
10 S	5 W	WM	6	SE NW	39	65 FEET SOUTH AND 1730 FEET EAST FROM THE NW CORNER OF DLC 39

Authorized Place of Use:

STORAGE FOR RECREATION					
Twp	Rng	Mer	Sec	Q-Q	DLC
10 S	5 W	WM	6	SE NW	39

5. Transfer Application T-12598 proposes to change the character of use to multipurpose storage.

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 store the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-12598.
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

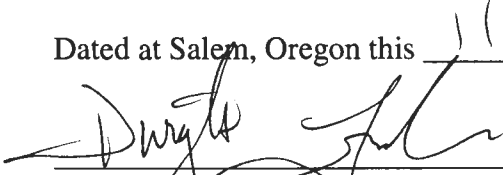
The change in character of use proposed in Transfer Application T-12598 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

If Transfer Application T-12598 is approved, the final order will include the following:

1. *The change in character of use proposed in Transfer Application T-12598 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 83164 and any related decree.*

3. *Water right Certificate 83164 is cancelled.*
4. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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 11 day of May, 2017.



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

This Preliminary Determination was prepared by Duff Martin. If you have questions about the information in this document, you may reach me at 503-986-0827 or Duff.A.Martin@oregon.gov.

Protests should be addressed to the attention of Water Rights Services 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>