



**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

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October 1<sup>st</sup>, 2019

**Applicant**

OREGON DEPARTMENT OF TRANSPORTATION  
ATTN KATIE HUBLER  
200 HAWTHORNE AVE SE, SUITE B240  
SALEM, OR 97301

SUBJECT: Water Right Transfer Application T-13077

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13077. 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 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 Department's notice *or* 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 if I may be of assistance.

Sincerely,

*Scott Grew*

Scott Grew  
Transfer Specialist

cc: Transfer Application file T-13077  
Lanaya F. Blakely, District 2 Watermaster (*via e-mail*)  
Kimberly Grigsby, GSI Water Solutions Inc., Agent for the applicant (*via e-mail*)

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**Use:** GENERAL USE AT OAK GROVE REST AREA  
**Priority Date:** SEPTEMBER 10, 1965  
**Rate:** 0.045 CUBIC FOOT PER SECOND  
**Source:** A WELL a tributary of OAK GROVE SWALE

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
15 S	3 W	WM	28	NE SW	53	OAK GROVE RA WELL 1 NB - 650 FEET SOUTH AND 630 FEET WEST FROM THE CENTER OF SECTION 28

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	DLC
15 S	3 W	WM	28	SE NW	53
15 S	3 W	WM	28	SE NW	62
15 S	3 W	WM	28	NE SW	53
15 S	3 W	WM	28	NE SW	62

- Transfer Application T-13077 proposes an additional point of appropriation approximately 0.13 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
15 S	3 W	WM	28	NE SW	62	OAK GROVE RA WELL 2 SB - 186 FEET SOUTH AND 1191 FEET WEST FROM THE CENTER OF SECTION 28

**Transfer Review Criteria (OAR 690-380-4010)**

- Water has been used within the last five years prior to the submittal of Transfer Application T-13077 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13077.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13077 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If Transfer Application T-13077 is approved, the final order will include the following:*

- 1. The additional point of appropriation proposed in Transfer Application T-13077 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 37944 and any related decree.*
- 3. Water right Certificate 37944 is cancelled.*
- 4. The quantity of water diverted at the proposed additional point of appropriation (Oak Grove RA Well 2 SB), together with that diverted at the original point of appropriation (Oak Grove RA Well 1 NB), shall not exceed the quantity of water lawfully available at the original point of appropriation (Oak Grove RA Well 1 NB).*
- 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).*
  - 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, 2024**. 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.*

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

Dated in Salem, Oregon on **OCT 01 2019**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at 503-986-0890 or [scott.a.grew@oregon.gov](mailto:scott.a.grew@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 servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.