



**Oregon**  
Kate Brown, Governor

**Water Resources Department**  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

December 24, 2020

**Applicant**

STATE OF OREGON, ACTING BY AND  
THROUGH THE BOARD OF TRUSTEES OF  
OREGON STATE UNIVERSITY  
448 STRAND AGRICULTURE HALL  
CORVALLIS, OR 97331

SUBJECT: Water Right Transfer Application T-13320

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13320. 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.

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.

**IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. Mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.**

Please contact me at [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist

cc: T-13320  
Lanaya F. Blakely, District 2 Watermaster (via e-mail)  
Doann Hamilton, Agent for the applicant (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-13320, Linn County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND ADDITIONAL
	)	POINTS OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

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**Findings of Fact**

1. On December 13, 2019, STATE OF OREGON, ACTING BY AND THROUGH THE BOARD OF TRUSTEES OF OREGON STATE UNIVERSITY filed an application to change the point of appropriation and for additional points of appropriation under Certificate 60433. The Department assigned the application number T-13320.
2. Notice of the application for transfer was published on January 7, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 8, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13320 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 7, 2020, for the applicant to respond. The applicant 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.

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.

4. The right to be transferred is as follows:

**Certificate:** 60433 in the name of OREGON STATE UNIVERSITY,  
 AGRICULTURAL EXPERIMENT STATION (perfected under Permit  
 G-8586)

**Use:** PRIMARY IRRIGATION of 44.66 ACRES and SUPPLEMENTAL  
 IRRIGATION of 65.40 ACRES

**Priority Date:** MAY 16, 1979

**Rate:** 0.891 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, provided further that the right allowed herein shall be  
 limited to any deficiency in the available supply of any prior right existing  
 for the same land and shall not exceed the limitation allowed herein.

**Source:** A WELL in the WILLAMETTE RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	4 W	WM	6	SW SE	52	1060 FEET NORTH AND 1820 FEET WEST FROM THE SE CORNER OF SECTION 6

**Authorized Place of Use:**

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	6	SE NE	52	0.20
12 S	4 W	WM	6	NE SE	52	4.90
12 S	4 W	WM	6	NW SE	52	4.80
12 S	4 W	WM	6	SW SE	52	19.01
12 S	4 W	WM	6	SE SE	52	12.70
12 S	4 W	WM	7	NE NE	52	2.35
12 S	4 W	WM	7	NW NE	52	0.70
					Total	44.66

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	6	SW NE	52	8.00
12 S	4 W	WM	6	SE NE	52	5.00
12 S	4 W	WM	6	NE SW	52	6.00
12 S	4 W	WM	6	NE SE	52	13.30
12 S	4 W	WM	6	NW SE	52	33.10
					Total	65.40

5. Transfer Application T-13320 proposes to move the authorized point of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Original Well in Feet (ft.)
12 S	4 W	WM	6	SW SE	52	WELL 3 - 1065 FEET NORTH AND 1730 FEET WEST FROM THE SE CORNER OF SECTION 6	50 ft.

6. Transfer Application T-13320 proposes additional points of appropriation approximately:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Original Well in Feet (ft.)
12 S	4 W	WM	6	NW SE	52	WELL 1 - 1395 FEET SOUTH AND 1990 FEET WEST FROM THE NE CORNER OF DLC 52	800 ft.
12 S	4 W	WM	6	NE SE	52	WELL 2 - 1655 FEET SOUTH AND 1535 FEET WEST FROM THE NE OF CORNER DLC 52	600 ft.
12 S	4 W	WM	6	SW SE	52	WELL 4 - 1215 FEET NORTH AND 1870 FEET WEST FROM THE SE CORNER OF SECTION 6	200 ft.

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

7. 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 is subject to forfeiture under ORS 540.610.
8. 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-13320.
9. The proposed changes would not result in enlargement of the right.
10. The proposed changes would not result in injury to other water rights.
11. All other application requirements are met.

**Determination and Proposed Action**

The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-13320 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-13320 is approved, the final order will include the following:*

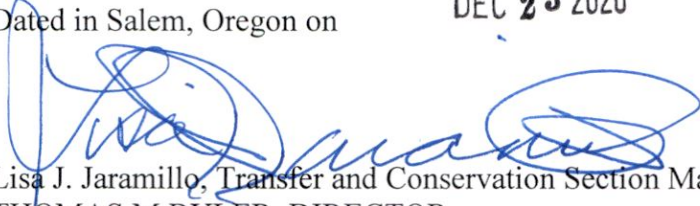
1. *The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-13320 are approved.*

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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 60433 and any related decree.*
  3. *Water right Certificate 60433 is cancelled.*
  4. *The quantity of water diverted at the new points of appropriation (Wells 3), shall not exceed the quantity of water lawfully available at the original point of appropriation (original Well 3).*
  5. *The quantity of water diverted at the additional points of appropriation (Wells 1, 2 and 4), shall not exceed the quantity of water lawfully available at the original point of appropriation (original Well 3).*
  6. *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.*
    - 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.*
  7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
  8. *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.*

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

Dated in Salem, Oregon on

DEC 23 2020



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 [scott.a.grew@oregon.gov](mailto:scott.a.grew@oregon.gov) or 503-986-0890.

*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.*

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**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.