

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-13518, Clackamas County)	PROPOSING APPROVAL OF AN
)	ADDITIONAL POINT OF DIVERSION,
)	CHANGES IN POINTS OF DIVERSION AND
)	CHANGES IN PLACES OF USE AND THE
)	PARTIAL CANCELLATION OF WATER
)	RIGHTS 20351, 27941, 47384, AND 55068

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

JOHN CHILDS
10400 SE 282ND AVE.
BORING, OR 97009

Findings of Fact

1. On September 4, 2020, JOHN CHILDS filed an application for an additional point of diversion under Certificate 20351, to change the points of diversion under Certificates 20351, 27941, 47384, 55068, and to change the places of use under Certificates 20351, 27941, and 47384. The Department assigned the application number T-13518.
2. Notice of the application for transfer was published on September 29, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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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3. On December 19, 2020, the Department sent a deficiency letter to the applicant and agent, requesting revisions be made to the application, listing the measured distances of the points of diversion for Certificates 20351 and 27941.
4. On December 22, 2020, the agent for the applicant replied in writing with the revisions.
5. On January 23, 2021, the Department sent a deficiency letter to the applicant and agents, requesting for application revisions with a due date of February 22, 2021.
6. On February 22, 2021, the agent for the applicant requested an extension of the deficiencies deadline. On February 23, 2021, the Department extended the deficiencies deadline to March 12, 2021.
7. On March 12, 2021, the agent for the applicant emailed the revisions, including new application tables and maps and notarized Affidavits for the Voluntary Cancellation of a Portion of a Water Right Certificate (ORS 540.621).
8. On April 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13518 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 17, 2021, for the applicant to respond. The applicant provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On May 26, 2021, agent requested that completion date be extended to October 1, 2024, siting development of the landscape.
10. The portion of the first right to be transferred is as follows:

Certificate: 20351 in the name of MRS. JOE PAVLINAC (perfected under Permit S-18323)

Use: IRRIGATION of 58.7 ACRES

Priority Date: AUGUST 13, 1947 AND JULY 1, 1948

Rate: 0.74 CUBIC FOOT PER SECOND (CFS), BEING; 0.66 CFS FOR AUGUST 13, 1947 PRIORITY DATE, AND 0.08 CFS FOR JULY 1, 1948 PRIORITY DATE

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: AN UNNAMED STREAM, tributary of BEAVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 S	2 E	WM	27	NW SE

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GL	Acres	Priority Date
3 S	2 E	WM	27	SE NW		12.0	1947
3 S	2 E	WM	27	NE SW	3	27.5	1947
3 S	2 E	WM	27	SE SW	5	4.4	1947
3 S	2 E	WM	27	NW SE	2	8.5	1947
3 S	2 E	WM	27	NW SE	2	6.3	1948
TOTAL						58.7	

11. Certificate 20351 does not describe the measured distance for the point of diversion, however information is available from the applicant's agent, indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GL	Measured Distances
3 S	2 E	WM	27	NW SE	2	AUTHORIZED POD - 710 FEET SOUTH AND 510 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27

12. Transfer Application T-13518 proposes an additional point of diversion approximately 483.7 feet downstream to:

Twp	Rng	Mer	Sec	Q-Q	GL	Measured Distances
3 S	2 E	WM	27	NW SE	2	POINT OF RE-DIVERSION FROM RESERVOIR - 240 FEET SOUTH AND 665 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27

13. Transfer Application T-13518 proposes to move the authorized point of diversion approximately 280.1 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	GL	Measured Distances
3 S	2 E	WM	27	NW SE	2	POD FROM UNNAMED STREAM - 940 FEET SOUTH AND 415 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27

14. Transfer Application T-13518 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GL	Acres	Priority Date
3 S	2 E	WM	27	SE NW		12.0	1947
3 S	2 E	WM	27	NE SW	3	26.5	1947
3 S	2 E	WM	27	NW SW		1.0	1947
3 S	2 E	WM	27	SE SW	5	4.4	1947
3 S	2 E	WM	27	NW SE	2	8.5	1947
3 S	2 E	WM	27	NW SE	2	6.3	1948
TOTAL						58.7	

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

Certificate: 27941 in the name of JOHN ROUSETT (perfected under Permit S-24905)

Use: IRRIGATION of 10.4 ACRES AND SUPPLEMENTAL IRRIGATION 58.7 ACRES

Priority Date: MAY 14, 1957

Rate: 0.13 CUBIC FOOT PER SECOND FROM DIRECT FLOW AND 6.9 ACRE FEET STORED WATER

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 from direct flow 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 from direct flow and storage from reservoir constructed under permit number R-2020 and shall be still further limited to the use of stored water only on lands described as supplemental.

Source: UNNAMED STREAM and RESERVOIR CONSTRUCTED UNDER APPLICATION #R-31560, PERMIT #R-2020, tributary of BEAVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GL
3 S	2 E	WM	27	NW SE	2

Authorized Place of Use:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	2 E	WM	27	SE NW	10.4

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 E	WM	27	SE NW		12.0
3 S	2 E	WM	27	NE SW	3	27.5
3 S	2 E	WM	27	SE SW	5	4.4
3 S	2 E	WM	27	NW SE	2	14.8
TOTAL						58.7

16. Certificate 27941 does not describe the measured distances for the points of diversion, however information is available from the applicant's agent, indicating that the points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	2 E	WM	27	NW SE	2	POD FROM AN UNNAMED STREAM – 710 FEET SOUTH AND 510 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27
3 S	2 E	WM	27	NW SE	2	POD FROM RESERVOIR – 525 FEET SOUTH AND 475 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27

17. Transfer Application T-13518 proposes to move the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	G Lot	Measured Distances	Approximate Distance from Authorized Points of Diversion in Feet (ft.)
3 S	2 E	WM	27	NW SE	2	POD FROM UNNAMED STREAM – 940 FEET SOUTH AND 415 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27	Distance from Authorized POD from Unnamed Stream
							252.6 ft. downstream
3 S	2 E	WM	27	NW SE	2	POINT OF RE-DIVERSION FROM RESERVOIR – 240 FEET SOUTH AND 665 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27	Distance from Authorized POD from Reservoir
							336.4 ft. downstream

18. Transfer Application T-13518 also proposes to change the place of use of the right to:

PRIMARY IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	2 E	WM	27	SE NW	10.4

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	G Lot	Acres
3 S	2 E	WM	27	SE NW		12.0
3 S	2 E	WM	27	NE SW	3	26.5
3 S	2 E	WM	27	NW SW		1.0
3 S	2 E	WM	27	SE SW	5	4.4
3 S	2 E	WM	27	NW SE	2	14.8
TOTAL						58.7

19. The portion of the third right to be transferred is as follows:

Certificate: 47384 in the name of ESTATE OF JOHN ROUSETT (perfected under Permit S-40075)
Use: IRRIGATION of 17.7 ACRES
Priority Date: AUGUST 15, 1975
Rate: 0.22 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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-2020.

Source: UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT NO. R-2020, a tributary of BEAVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	2 E	WM	27	NW SE	2	710 FEET SOUTH AND 510 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 E	WM	27	SW NW		1.4
3 S	2 E	WM	27	SE NW		1.2
3 S	2 E	WM	27	NE SW	3	5.6
3 S	2 E	WM	27	NW SW		9.5
TOTAL						17.7

20. Transfer Application T-13518 proposes to move the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate Distance from Authorized Points of Diversion in Feet (ft.)
3 S	2 E	WM	27	NW SE	2	POD FROM UNNAMED STREAM – 940 FEET SOUTH AND 415 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27	Distance from Authorized POD from Unnamed Stream
							252.6 ft. downstream
3 S	2 E	WM	27	NW SE	2	POINT OF RE-DIVERSION FROM RESERVOIR – 240 FEET SOUTH AND 665 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27	Distance from Authorized POD from Reservoir
							336.4 ft. downstream

21. Transfer Application T-13518 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 E	WM	27	SW NW		1.9
3 S	2 E	WM	27	SE NW		1.2
3 S	2 E	WM	27	NE SW	3	5.1
3 S	2 E	WM	27	NW SW		9.5
TOTAL						17.7

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

Certificate: 55068 in the name of DORIS L. ROUSETT (perfected under Permit S-43084)

Use: IRRIGATION of 7.5 ACRES
Priority Date: APRIL 6, 1978
Rate: 0.094 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 from direct flow and storage.
Source: UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-2020, a tributary of BEAVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	2 E	WM	27	NW SE	2	710 FEET SOUTH AND 510 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 27

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	2 E	WM	27	NE SW	3		1.1
3 S	2 E	WM	27	NW SW			2.4
3 S	2 E	WM	27	SW SW	4		2.5
3 S	2 E	WM	27	SE SW	5		1.5
TOTAL							7.5

23. Certificate 55068 does not describe the location of the point of diversion from the reservoir constructed under Permit R-2020, however information is available from the applicant's agent, indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	2 E	WM	27	NW SE	2	POD FROM RESERVOIR – 525 FEET SOUTH AND 475 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27

24. Transfer Application T-13518 proposes to move the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate Distance from Authorized Points of Diversion in Feet (ft.)
3 S	2 E	WM	27	NW SE	2	POD FROM UNNAMED STREAM – 940 FEET SOUTH AND 415 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27	Distance from Authorized POD from Unnamed Stream
							252.6 ft. downstream
3 S	2 E	WM	27	NW SE	2	POINT OF RE-DEIVERSION FROM RESERVOIR – 240 FEET	Distance from Authorized POD from Reservoir

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate Distance from Authorized Points of Diversion in Feet (ft.)
						SOUTH AND 665 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27	336.4 ft. downstream

25. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

Partial Cancellation of Water Rights

26. On March 12, 2021, John and Chauncy Childs, holders of the water rights, submitted affidavits authorizing cancellation of a portion of water right Certificates 20351, 27941, 47384, and 55068.

27. The portion of the first right to be cancelled is as follows:

- Certificate:** 20351 in the name of MRS. JOE PAVLINAC (perfected under Permit S-18323)
- Use:** IRRIGATION of 2.7 ACRES
- Priority Date:** AUGUST 13, 1947 AND JULY 1, 1948
- Rate:** 0.034 CUBIC FOOT PER SECOND (CFS) BEING; 0.03 CFS FOR AUGUST 13, 1947 PRIORITY DATE, AND 0.0034 CFS FOR JULY 1, 1948 PRIORITY DATE
- 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:** AN UNNAMED STREAM, tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 S	2 E	WM	27	NW SE

Authorized Place of Use to be Cancelled:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	2 E	WM	27	SE NW	0.6
3 S	2 E	WM	27	NE SW	1.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	2 E	WM	27	NW SE	0.4
TOTAL					2.7

28. The portion of the second right to be cancelled is as follows:

Certificate: 27941 in the name of JOHN ROUSETT (perfected under Permit S-24905)
Use: SUPPLEMENTAL IRRIGATION 2.7 ACRES
Priority Date: MAY 14, 1957
Rate: 0.3 ACRE FEET STORED WATER
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 from direct flow 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 from direct flow and storage from reservoir constructed under permit number R-2020 and shall be still further limited to the use of stored water only on lands described as supplemental.
Source: UNNAMED STREAM and RESERVOIR CONSTRUCTED UNDER APPLICATION #R-31560, PERMIT #R-2020, tributary of BEAVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GL
3 S	2 E	WM	27	NW SE	2

Authorized Place of Use to be Cancelled:

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 E	WM	27	SE NW		0.6
3 S	2 E	WM	27	NE SW	3	1.7
3 S	2 E	WM	27	NW SE	2	0.4
TOTAL						2.7

29. The portion of the third right to be cancelled is as follows:

Certificate: 47384 in the name of ESTATE OF JOHN ROUSETT (perfected under Permit S-40075)
Use: IRRIGATION of 1.4 ACRES
Priority Date: AUGUST 15, 1975
Rate: 0.02 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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-2020.

Source: UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT NO. R-2020, a tributary of BEAVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	2 E	WM	27	NW SE	2	710 FEET SOUTH AND 510 FEET EAST FROM THE CENTER ¼ CORNER OF SECTION 27

Authorized Place of Use to be Cancelled:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 E	WM	27	NE SW	3	0.7
3 S	2 E	WM	27	NW SW		0.7
TOTAL						1.4

30. The portion of the fourth right to be cancelled is as follows:

Certificate: 55068 in the name of DORIS L. ROUSETT (perfected under Permit S-43084)
Use: IRRIGATION of 0.5 ACRE
Priority Date: APRIL 6, 1978
Rate: 0.006 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 from direct flow and storage.
Source: UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER PERMIT R-2020, a tributary of BEAVER CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
3 S	2 E	WM	27	NW SE

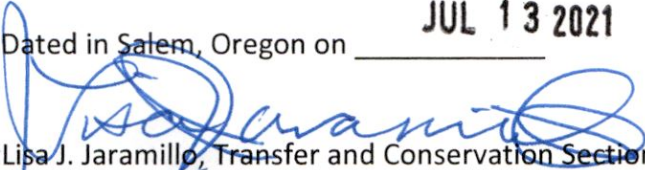
Authorized Place of Use to be Cancelled:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
3 S	2 E	WM	27	NW SW			0.1
3 S	2 E	WM	27	SW SW	4		0.4
TOTAL							0.5

original points of diversion (POD from an Unnamed Stream and POD from Reservoir Constructed under Permit R-2020).

7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. The former places of use of the transferred rights, Certificates 20351, 27941, and 47384, shall no longer receive water under the rights.
9. 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 changes and full beneficial use of the water.
10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on JUL 13 2021


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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or tamera.l.smith@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.

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.

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members 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.

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

31. 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.
32. 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-13518.
33. The proposed changes would not result in enlargement of the rights.
34. The proposed changes would not result in injury to other water rights.
35. All other application requirements are met.

Determination and Proposed Action

The additional point of diversion, change in points of diversion, and changes in place of use proposed in Transfer Application T-13518 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-13518 is approved, the final order will include the following:

1. *The additional point of diversion, changes in points of diversion, and in places of use proposed in Transfer Application T-13518 are approved. The portions of the rights that are abandoned, are cancelled.*
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 Certificates 20351, 27941, 47384, and 55068 and any related decree.*
3. *Water Right Certificates 20351, 27941, 47384, and 55068 are cancelled.*
4. *Under Certificate 20351, the quantity of water diverted at the new additional point of diversion (Proposed Point of Re-Diversion from Reservoir) together with original POD (Authorized POD from an Unnamed Stream), shall not exceed the quantity of water lawfully available at the original point of diversion, (Authorized POD from an Unnamed Stream).*
5. *Under Certificate 20351, the quantity of water diverted at the new point of diversion (Proposed POD from an Unnamed Stream), shall not exceed the quantity of water lawfully available at the original point of diversion (Authorized POD from an Unnamed Stream).*
6. *Under Certificates 27941, 47384, and 55068, the quantity of water diverted at the new points of diversion (Proposed POD from an Unnamed Stream and Proposed Point of Re-diversion from Reservoir), shall not exceed the quantity of water lawfully available at the*



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

JULY 13, 2021

JOHN CHILDS
10400 SE 282ND AVE.
BORING, OR 97009

SUBJECT: Water Right Transfer Application T-13518

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13518. 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 do not hesitate to contact me at tamera.l.smith@oregon.gov or 503-986-0864 if I may be of assistance.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Tamera L. Smith', with a stylized flourish at the end.

Transfer Caseworker
Transfer and Conservation Section

cc: Transfer Application file T-13518
Amy J. Landvoigt, District 20 Watermaster (*via e-mail*)
Doann Hamilton, Agent for the applicant (*via e-mail*)

encs