

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-11418, Douglas County)	PROPOSING APPROVAL OF CHANGES IN
)	POINTS OF DIVERSION, PLACES 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

CITY OF ROSEBURG
900 SE DOUGLAS AVE
ROSEBURG, OR 97470

Findings of Fact

1. On May 7, 2012, the CITY OF ROSEBURG filed an application to change the points of diversion, the place of use, and the character of use under Certificates 38427, 40359, 49667, 54476, 76353, 76681, and 87562. The Department assigned the application number T-11418.
2. Notice of the application for transfer was published on May 22, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 28, 2012, the applicant's agent submitted additional information regarding the points of diversion and their locations by providing the Department with revised maps and survey coordinates for the authorized points of diversion.
4. On December 6, 2012, the Department added a memorandum to the file outlining the history of the application and conversations that occurred with the applicant's agent.
5. On April 15, 2013, the Department received a revised application map.

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 the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

6. On May 9, 2014, the Department contacted the applicant regarding supplemental water rights that were not included in the transfer application. The applicant's agent indicated that they were looking into the matter and would be responding.
7. On March 14, 2016, the applicants' agent contacted the Department with regard to adding supplemental rights to the application, however, did not provide the necessary amended application pages or map.
8. On July 24, 2021, the applicant's agent submitted amended application pages and maps, adding Certificate 90972 and water use Permit S-51632 to Transfer Application T-11418.
9. The Department issued a Draft Preliminary Determination (DPD) on December 8, 2021. The applicant's agent responded on March 8, 2022.
10. The Department issued a revised Draft Preliminary Determination (DPD) on November 28, 2022. The applicant's agent responded via email on November 29, 2022, noting several requested changes to the revised DPD based upon contracts issued by Douglas County for the use of stored water from Galesville Reservoir executed outside of the state water use permitting process.
11. The Department reviewed Water Use Permit S-51632 and, based upon the specific language, terms and conditions contained in the permit record itself, there is no distinction as to how the water (being either live flow from the South Umpqua River or stored water from Galesville Reservoir) is to be allocated amongst the authorized acreage identified as primary irrigation and supplemental irrigation. Without specific delineation of which source is to be applied to which acres, the Department must interpret that the full quantity of live flow water (0.35 cfs from South Umpqua River) and the full quantity of stored water (204.2 af from Galesville Reservoir) applies to all 88.73 acres of irrigation (being 28.0 primary and 60.73 acres supplemental) authorized under Permit S-51632.
12. Upon review of the response to the revised DPD received on November 29, 2022, from the applicant's agent, the Department discovered that public notice of the amended Application T-11418 to include Certificate 90972 and water use Permit S-51632 was not done. Therefore, notice of amended Transfer Application T-11418 was published on February 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
13. On May 22, 2024, the Department issued a 2nd Revised Draft Preliminary Determination and requested the applicant to respond in writing.
14. On July 16, 2024, the Department contacted the applicant and the applicant's agent regarding the 2nd Revised Draft Preliminary Determination requesting a response in writing to the 2nd Revised Draft Preliminary Determination.

15. On August 16, 2024, the applicant contacted the Department by phone requesting the Department send a copy of the 2nd Revised Draft Preliminary Determination and a copy of the notice to be published in the paper and indicated approval of the 2nd Revised Draft Preliminary Determination.

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

Certificate: 38427 in the name of City of Roseburg (perfected under Permit S-25818)

Use: IRRIGATION of 31.83 ACRES (Golf Course)

Priority Date: OCTOBER 24, 1958

Rate: 0.4 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 to the use of water is limited to the period when the flow of the South Umpqua River is 60.0 cubic feet per second or more at its mouth.

Source: SOUTH UMPQUA RIVER, tributary to the UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	14	SE SE	1	4380 FEET SOUTH AND 790 FEET WEST FROM THE NE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
27 S	6 W	WM	14	NE NE		65	1.70
27 S	6 W	WM	14	SW NE	13		2.06
27 S	6 W	WM	14	SE NE		65	1.97
27 S	6 W	WM	14	SE NE	14		9.91
27 S	6 W	WM	14	NE SE	1		11.94
27 S	6 W	WM	14	NW SE	12		3.18
27 S	6 W	WM	14	SW SE	2		0.38
27 S	6 W	WM	14	SE SE	1		0.69
Total:							31.83

17. The Applicant provided additional information regarding the location of point of diversion (POD 2) and describes it as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	SE SE	POD 2- 965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14

18. Transfer Application T-11418 proposes an additional point of diversion (POD) with approximate distance in feet downstream from the authorized point of diversion (POD 2) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized POD
27 S	6 W	WM	14	SE SE	POD 1- 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14	1060.0 feet

19. Transfer Application T-11418 proposes to change the character of use to Municipal.

20. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

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

Certificate: 40359 in the name of P.W. KAY (perfected under Permit S-7427)
Use: IRRIGATION of 2.67 ACRES
Priority Date: JULY 9, 1926
Rate: 0.035 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.
Source: SOUTH UMPQUA RIVER, tributary to the UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	NW SE	Not described on Certificate

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	6 W	WM	14	NW SE	2.67

22. The Transfer Applicant provided additional information regarding the description of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	SW SE	POD 1 - 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14

23. Transfer Application T-11418 proposes to change the character of use to Municipal.

24. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

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

Certificate: 49667 in the name of City of Roseburg (perfected under Permit S-36020)
Use: IRRIGATION of 6.2 ACRES
Priority
Date: MARCH 11, 1971
Rate: 0.08 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 to the UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
27 S	6 W	WM	14	SE SE	53	950 FEET NORTH AND 190 FEET WEST FROM THE SW CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
27 S	6 W	WM	13	SW SW	53	3.2
27 S	6 W	WM	14	SE SE	53	3.0
Total:						6.2

26. The Transfer Applicant provided additional information regarding the description of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	SW SE	POD 3 - 940 FEET NORTH AND 94 FEET WEST FROM THE SE CORNER OF SECTION 14

27. Transfer Application T-11418 proposes additional points of diversion with approximate distances in feet downstream from the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized POD
27 S	6 W	WM	14	SW SE	POD 1- 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14	1750.0 feet
27 S	6 W	WM	14	SE SE	POD 2- 965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14	702.0 feet

28. Transfer Application T-11418 proposes to change the character of use to Municipal.

29. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

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

Certificate: 54476 in the name of City of Roseburg (perfected under Permit S-36020)
Use: IRRIGATION of 0.80 ACRE
Priority Date: MARCH 11, 1971
Rate: 0.01 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 to the UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
27 S	6 W	WM	14	SE SE	53	950 FEET NORTH AND 190 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acre
27 S	6 W	WM	14	SE SE	53	0.80

31. The Transfer Applicant provided additional information regarding the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	SW SE	POD 3 - 940 FEET NORTH AND 94 FEET WEST FROM THE SE CORNER OF SECTION 14

32. Transfer Application T-11418 proposes additional points of diversion with approximate distances in feet downstream from the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized POD
27 S	6 W	WM	14	SE SE	POD 1 - 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14	705.0 feet
27 S	6 W	WM	14	SE SE	POD 2 - 965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14	10.0 feet

33. Transfer Application T-11418 proposes to change the character of use to Municipal.

34. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

35. The portion of the fifth right to be transferred is as follows:

Certificate: 76681 in the name of City of Roseburg (perfected under Permit S-45076)
Use: IRRIGATION of 11.1 ACRES
Priority Date: MAY 9, 1980
Rate: 0.14 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, is 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 to the UMPQUA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
27 S	6 W	WM	14	SW SE	53	700 FEET NORTH AND 1720 FEET WEST FROM THE SE CORNER OF SECTION 14
27 S	6 W	WM	14	SE SE	53	930 FEET NORTH AND 130 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
27 S	6 W	WM	13	SW SW	53	2.0
27 S	6 W	WM	14	SE SE	53	5.5
27 S	6 W	WM	23	NE NE	53	3.2
27 S	6 W	WM	24	NW NW	53	0.4
Total:						11.1

36. The Transfer Applicant provided additional information regarding the description of the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	SW SE	POD 1 – 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14
27 S	6 W	WM	14	SE SE	POD 3 - 940 FEET NORTH AND 94 FEET WEST FROM THE SE CORNER OF SECTION 14

37. Transfer Application T-11418 proposes an additional point of diversion with approximate distances from the authorized points of diversion as described in the table below to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized PODS	
27 S	6 W	WM	14	SE SE	POD 2 - 965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14	FROM POD 1	FROM POD 3
						1687.0 feet upstream	1047.0 feet downstream

38. Transfer Application T-11418 proposes to change the character of use to Municipal.

39. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

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

Certificate: 76353 in the name of City of Roseburg (perfected under Permit S-7427)
Use: IRRIGATION of 0.33 ACRE
Priority Date: JULY 9, 1926
Rate: 0.005 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, is limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated, during the irrigation season of each year.
Source: SOUTH UMPQUA RIVER, tributary to the UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	6 W	WM	14	SE SE	1	4380 FEET SOUTH AND 790 FEET WEST FROM THE NE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
27 S	6 W	WM	14	NE NE		65	0.03
27 S	6 W	WM	14	SW NE	13		0.06
27 S	6 W	WM	14	SE NE	14		0.09
27 S	6 W	WM	14	NE SE	1		0.12
27 S	6 W	WM	14	SW SE	2		0.03
Total:							0.33

41. The Transfer Applicant provided additional information regarding the description of the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	SW SE	POD 2 – 965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14

42. Transfer Application T-11418 proposes an additional point of diversion with approximate distances in feet downstream from the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized POD
27 S	6 W	WM	14	SE SE	POD 1- 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14	870.7 feet

43. Transfer Application T-11418 proposes to change the character of use to Municipal.

44. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

45. The portion of the seventh right to be transferred is as follows:

Certificate: 87562 in the name of City of Roseburg (perfected under Permit S-45076)
Use: IRRIGATION of 25.4 ACRES
Priority Date: MAY 9, 1980
Rate: 0.32 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, is limited to a diversion of one-eightieth of one cubic foot per second, 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 to the UMPQUA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
27 S	6 W	WM	14	SW SE	53	DIVERSION 1 - 700 FEET NORTH AND 1720 FEET WEST FROM THE SE CORNER OF SECTION 14
27 S	6 W	WM	14	SE SE	53	DIVERSION 3 - 930 FEET NORTH AND 130 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
27 S	6 W	WM	14	SW NE	65	1.2
27 S	6 W	WM	14	SW NE	52	4.9
27 S	6 W	WM	14	SW NE		5.9
27 S	6 W	WM	14	SE NE	65	0.1
27 S	6 W	WM	14	NW SE		5.6
27 S	6 W	WM	14	NW SE	52	7.4
27 S	6 W	WM	14	SW SE	52	0.3
Total:						25.4

46. The Transfer Applicant provided additional information regarding the description of the authorized points of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	6 W	WM	14	SW SE	POD 1 – 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14
27 S	6 W	WM	14	SE SE	POD 3 – 940 FEET NORTH AND 94 FEET WEST FROM THE SE CORNER OF SECTION 14

47. Transfer Application T-11418 proposes an additional point of diversion downstream with approximate distances from the authorized points of diversion as described in the table below to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from the Authorized POD	
						FROM POD 1	FROM POD 3
27 S	6 W	WM	14	SE SE	POD 2- 965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14	1687.0 feet upstream	1047.0 feet downstream

48. Transfer Application T-11418 proposes to change the character of use to Municipal.

49. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

50. The portion of the eighth right to be transferred is as follows:

- Certificate:** 90972 in the name of DOUGLAS COUNTY OF WATER RESOURCES (perfected under Permit S-52932)
- Use:** SUPPLEMENTAL IRRIGATION of 7.0 ACRES
- Priority Date:** JULY 14, 1993
- Rate:** 7.0 ACRE-FEET STORED WATER ONLY
- Period of Use:** MARCH 1 THROUGH OCTOBER 31 (WITHIN THE SOUTH UMPQUA BASIN, EXCLUDING THE COW CREEK SUBBASIN)
- Limit/Duty:** The amount of water used for irrigation under this right, 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) and 2.5 acre-feet within the South Umpqua basin for each acre irrigated during the irrigation season of each year.
- Source:** GALESVILLE RESERVOIR, within the SOUTH UMPQUA BASIN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
27 S	6 W	WM	14	SE SE	53	I-92-24 #2 - 950 FEET NORTH AND 190 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION WITHIN THE SOUTH UMPQUA BASIN					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	6 W	WM	13	SW SW	3.2
27 S	6 W	WM	14	SE SE	3.8
Total					7.0

51. Certificate 90972 describes the authorized point of diversion as indicated in Finding of Fact #47 above, however the applicant described the authorized point of diversion as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
27 S	6 W	WM	14	SE SE	53	POD 3 - 940 FEET NORTH AND 94 FEET WEST FROM THE SE CORNER OF SECTION 14

52. Transfer Application T-11418 proposes additional points of diversion with approximate distances in feet downstream from the authorized point of diversion to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate Distance from the Authorized POD
27 S	6 W	WM	14	SW SE	52	POD 1 - 807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14	1741.0 feet
27 S	6 W	WM	14	SE SE	1	POD 2 - 965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14	732.0 feet

53. Transfer Application T-11418 proposes to change the character of use to Municipal.

54. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

55. The portion of the ninth right to be transferred is as follows:

- Permit:** S-51632 in the name of DOUGLAS COUNTY WATER RESOURCES SURVEY; (under Application S-69102)
- Use:** SUPPLEMENTAL IRRIGATION OF 44.9 ACRES
- Priority Date:** MAY 18, 1987
- Rate:** 0.18 CUBIC FOOT PER SECOND (live flow) and 103.3 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 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. The period of allowed use for stored water is April 1 through October 31. The use of waters from live flow is limited to the period April 1 through July 15 of each year.

Source: SOUTH UMPQUA RIVER and GALESVILLE RESERVOIR CONSTRUCTED UNDER PERMIT R-9964, tributaries of UMPQUA RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
27 S	6 W	WM	14	SE SE	53	940 FEET NORTH AND 94 FEET WEST FROM THE SE CORNER OF SECTION 14
27 S	6 W	WM	14	SW SE	52	807 FEET NORTH AND 1837 FEET WEST FROM THE SE CORNER OF SECTION 14
27 S	6 W	WM	14	SE SE	1	965 FEET NORTH AND 792 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION						
Contract #	Twp	Rng	Mer	Sec	Q-Q	Acres
I-87-16	27 S	6 W	WM	13	SW SW	2.3
I-87-16	27 S	6 W	WM	14	SW NE	14.0
I-87-16	27 S	6 W	WM	14	SE NE	0.10
I-87-16	27 S	6 W	WM	14	NW SE	15.0
I-87-16	27 S	6 W	WM	14	SW SE	0.60
I-87-16	27 S	6 W	WM	14	SE SE	8.0
I-87-16	27 S	6 W	WM	23	NE NE	4.50
I-87-16	27 S	6 W	WM	24	NW NW	0.40
Total						44.9

- 56. Water right Permit S-51632 (Application S-69102) was issued with a scrivener’s error in the place of use. The portion of the permit containing the scrivener’s error was for Galesville Contract I-87-16 and is included in this Transfer Application. A memo explaining the error was added to Permit S-51632 on March 28, 2001, and will be included in the Transfer Application T-11418 file.
- 57. Transfer Application T-11418 proposes to change the character of use to Municipal use.
- 58. Transfer Application T-11418 proposes to change the place of use of the right to:

MUNICIPAL USE
WITHIN THE BOUNDARIES OF STEWART, FIR GROVE, AND RIVERFRONT PARKS

- 59. 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

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

60. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
61. 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-11418.
62. The proposed changes would not result in enlargement of the rights.
63. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The changes in points of diversion, place of use, *and* character of use proposed in Transfer Application T-11418 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.

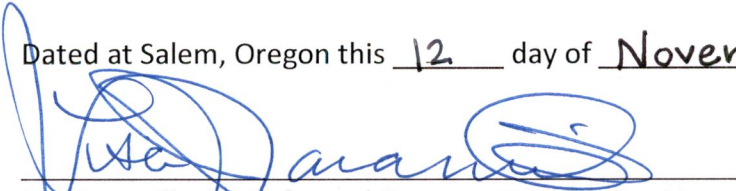
If Transfer Application T-11418 is approved, the final order will include the following:

1. *The changes in points of diversion, place of use, and character of use proposed in Transfer Application T-11418 are 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 Certificates 38427, 40359, 49667, 54476, 76353, 76681, 87562, 90972, Water Use Permit S-51632 and any related decree.*
3. *Water right Certificates 38427, 40359, 49667, 54476, 76353, 76681, 87562, and 90972 are cancelled. New certificates will be issued describing that portion of the rights not affected by this transfer.*
4. *Water Use Permit S-51632 is cancelled. A superseding remaining permit will be issued describing that portion of the permit not affected by this transfer.*
5. *The quantity of water diverted at the new 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.*
6. *Water use under the rights associated with Certificates 38427, 40359, 49667, 54476, 76353, 76681, and 87562, is only available during the irrigation season of each year.*
7. *Water use under the right associated with Certificate 90972 is available from March 1 through October 31 of each year.*

8. *The use of stored water under the right associated with Water Use Permit S-51632 (Application S-69102) is allowed from April 1 through October 31 of each year. The use of water from live flow under the right associated with Water Use Permit S-51632 (Application S-69102) is limited to the period from April 1 through July 15 of each year.*
9. *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.*
10. *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.
11. *The former place of use, except for those portions identified as municipal use as modified by this order shall no longer receive water under the rights.*
12. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2030**. 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.*
13. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 12 day of November 2024.



Lisa Jaramillo, Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0030]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly

notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance

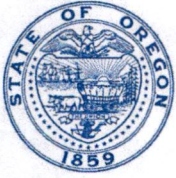
of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-979-9160.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

November 12, 2024

VIA CERTIFIED MAIL AND E-MAIL

CITY OF ROSEBURG
900 SE DOUGLAS AVE
ROSEBURG, OR 97470

SUBJECT: Water Right Transfer Application T-11418

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11418. 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 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 don't hesitate to contact me at 503-986-0892 or Joan.M.Smith@water.oregon.gov, if I may be of assistance.

Sincerely,

Joan Smith
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-11418
Susan M. Douthit, District 15 Watermaster (*via e-mail*)
Norm Daft, Agent for the applicant (*via e-mail*)

encs

A handwritten signature in blue ink, appearing to be "Norm Daft", is located in the bottom right corner of the page.