

T-10530

Name City of Cottage Grove
 Attn: Jan Wellman, Public Works Director
 Address 400 E. Main Street
Cottage Grove, OR. 97424
541-942-3349

Change in POD
 Date Filed 2-7-08
 Initial notice date 2-19-08
 DPD issued date _____
 PD issued date _____
 PD notice date _____
 Date of FO 7-21-08 Vol 75 Page 391
Partial Reverting 4-5-18 v. 107 p. 1032
 C-Date 10-1-2023 10/1/2043
 COBU due date 10-1-2024 10/1/2044
 COBU Received date _____
 Certificate issued 84168 93716
93717
93718

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Layng Creek / Dinner Creek / Prather Creek

Trib. of Row River / Layng Creek

Use Muni County Lane

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App # S-136 Per # S-30 Cert # 2385 PR Date 1909

App # S-10140 Per # S-6822 Cert # 7787 PR Date 1925

App # S-12142 Per # S-8582 Cert # 7838 PR Date 1928

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

App # _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>2/7/08</u>	<u>125.00</u>	<u>91395</u>
<u>2/7/08</u>	<u>800.00</u>	<u>91396</u>
<u>6-7-23</u>	<u>\$780.00</u>	<u>140885</u>

FEES REFUNDED

Date	Amount	Receipt#

Assignments: _____

Irrigation District _____

Agent GSI Water Solutions, Inc. Attn Adam Sussman : 1600 SW Western Blvd. Ste 240. Corvallis. OR. 97333

CWRE Theodore Rescher

CC's list _____

Reimbursement Authority Contractor: PMW

☐ - Oversized map - Location _____

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 91395

INVOICE # _____

RECEIVED FROM: City of Cottage Grove
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 84581 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PCA-47124 Contract - R0910509 \$
0408 OTHER: (IDENTIFY) Reimbursement Authority \$125.00
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$
WATER RIGHTS:
0201 SURFACE WATER EXAM FEE \$ 0202 RECORD FEE \$
0203 GROUND WATER \$ 0204 \$
0205 TRANSFER \$
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ 0219 LICENSE FEE \$
LANDOWNER'S PERMIT 0220 \$
OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD #
0210 MONITORING WELLS \$ CARD #
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$
0231 HYDRO LICENSE FEE (FW/WRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$

RECEIPT: 91395

DATED: 2-7-08

BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 91396

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM:

BY:

CASH:

CHECK: #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ 800.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER:

(IDENTIFY)

\$

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY)

TC162 DEPOSIT LIAB. (IDENTIFY)

0240 EXTENSION OF TIME

\$

\$

\$

\$

\$

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER

(IDENTIFY)

EXAM FEE

\$

\$

\$ 800.00

EXAM FEE

\$

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER

(IDENTIFY)

\$

\$

CARD #

CARD #

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$

\$

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT: 91396

DATED: 2-7-08

BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



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

July 24, 2023

CITY OF COTTAGE GROVE
ATTN: FAYE STEWART
400 EAST MAIN STREET
COTTAGE GROVE, OREGON 97424

Reference: File T-10530

We have received your application for extension of the time limit to make complete application of water under T-10530. We also have your check in the amount of \$780.00. A copy of receipt number 140885 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. **The time limit to make complete application of water is extended to October 1, 2043.** The order approving the extension was entered July 24, 2023.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed may be lost.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the extension final order, whichever occurs first.

If you have any questions, please contact the Ann Reece at 503-979-3214.

Sincerely,

Julie C. Baustian
Water Right Services Support
Transfers and Conservation Section

cc: Lanaya F. Blakely, Watermaster Dist. #2 (via email)

Enclosure

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

In the Matter of Application for Extension	)	FINAL ORDER APPROVING AN EXTENSION
of Time for Transfer Application T-10530,	)	OF TIME FOR A PERMANENT TRANSFER
Lane County	)	FOR A CHANGE IN POINT OF DIVERSION
	)	FOR MUNICIPAL USE

Applicant

CITY OF COTTAGE GROVE
ATTN: FAYE STEWART
400 EAST MAIN STREET
COTTAGE GROVE, OR 97424

Authority

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. An extension for up to five years may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On July 21, 2008, the Department signed an order, which was mailed on July 25, 2008, approving Transfer Application T-10530 to change the points of diversion on portions of Certificates 2385, 7787, and 7838, which are all for municipal use. The order was recorded in Special Order Volume 75 Pages 391-396. The order set a transfer completion date of October 1, 2023.
2. On April 5, 2018, the Department signed an order, which was mailed on April 10, 2018, approving the City's request for the reversion of the transferred points of diversion (to the

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

original points of diversion) originating under Certificates 7787, 7838, and for a point of reversion for the use of 2.67 cubic feet per second (cfs) of the 5.77 cfs of water transferred under Certificate 2385.

3. On June 7, 2023, the Department received an application for extension of time from the City of Cottage Grove (City) for Transfer Application T-10530 requesting to extend the time to complete full use of remaining transferred portion of 3.1 cfs originating under Certificate 2385 at the new point of diversion.
4. Since the approval of the transfer, the applicant has diverted 0.18 cfs under T-10530 and expanded the capacity of the water treatment plant from 4 million gallons per day (mgd) to 6 mgd by adding additional membrane filter racks.
5. To fully complete the change, the applicant needs to make additional infrastructure improvements and may need to expand the capacity of this water treatment plant to approximately 8 mgd in order to make full beneficial use of the 3.1 cfs under T-10530. The 3.1 cfs will be used in conjunction with its certificated municipal water rights associated with the same intake and water treatment plant.
6. The City is currently in the process of developing a Water System Master Plan to identify needed improvements and to develop a capital improvement plan. The City needs sufficient time to complete this planning and to secure the necessary funding.
7. The City continues to experience increases in the population it serves. Based on projected Portland State University's Population Research Center's 2019 demand forecast, the population is expected to increase approximately 12 percent in the next 24 years from 10,758 in 2019 to 12,094 in 2043. The City expects its number of service connections to increase accordingly.
8. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2043. Consistent with OAR 690-380-6020(3), and Findings of Facts 5 -7, above, the applicant provided sufficient justification in the extension application to grant an extension for municipal use for more than five years. The Department will extend the transfer completion date to October 1, 2043.

Conclusions of Law

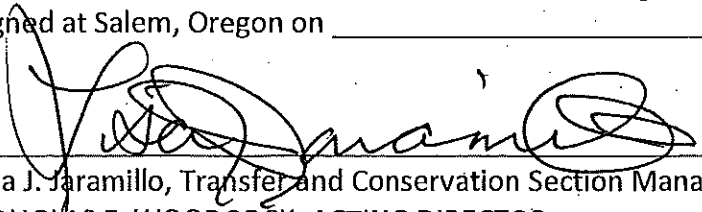
Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10530.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-10530 shall be extended to **October 1, 2043.**

JUL 24 2023

Signed at Salem, Oregon on _____



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **JUL 25 2023** _____

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 140885

INVOICE # _____

RECEIVED FROM: CSI Water Solutions Inc.

BY: _____

APPLICATION

PERMIT

TRANSFER

T-10530

CASH: ☐

CHECK: #

OTHER: (IDENTIFY)

26025

TOTAL REC'D

\$ 780.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT: 140885

DATED: 6-7-23

BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900

Application for Extension of Time for
Transfer of Water Right

Transfer Number: T- 10530

A summary of review criteria and procedures that are generally applicable to these applications is available at https://www.oregon.gov/owrd/WRDFormsPDF/transfer_extension_criteriareview.pdf

Applicant = Transfer Holder of Record* City of Cottage Grove			Contact Name Faye Stewart	Phone No. 541-942-3349
Address 400 E MAIN STREET				Fax No.
City COTTAGE GROVE	State OR	Zip 97424	E-Mail	
Report Prepared By		Title	Contact Information	

*The applicant must be the transfer holder of record. If the applicant is not the transfer holder of record, the applicant must request an assignment of interest prior to submitting the transfer extension application. Alternatively, the request for assignment may be submitted simultaneously with the extension application. Separate checks for the fees is helpful. Links to assignment forms: <https://www.oregon.gov/owrd/WRDFormsPDF/assign.pdf>, [https://www.oregon.gov/owrd/WRDFormsPDF/Assign by proof.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Assign_by_proof.pdf)

To the WATER RESOURCES DIRECTOR OF OREGON:

1. I/WE, THE TRANSFER HOLDER(S) OF RECORD, do hereby make application for an extension of time within which to complete a change in (check all that apply):

- ☒ point(s) of diversion/appropriation
☐ place(s) of use
☐ character of use

under the terms of a final order of the Water Resources Director entered on 7/21/2008 (month/day/year) for Transfer Number T-10530.

2. THE FOLLOWING WORK HAS BEEN ACCOMPLISHED toward completion of the change within the time allowed, which expires on 10/1/2023 (month/day/year): The City has expanded the capacity of its water treatment plant. The City's expanded water treatment plant now has membrane filter racks with a capacity of up to 6 mgd (approximately 9.2 cfs). To realize the full 6 mgd capacity, the City will need to make additional infrastructure improvements. The City currently has the capacity to divert a portion of the water authorized under Transfer T10530 in combination with its other certificated municipal water rights associated with this intake and water treatment plant.

3. TO FULLY COMPLETE THE CHANGE, it will be necessary to accomplish the following:

To divert and beneficially use the full 3.1 cfs authorized by Transfer T-10530, the City will need to complete additional infrastructure improvements and may need to expand the

RECEIVED
JUN 07 2023
OWRD

capacity of its water treatment plant to 8 mgd.

4. I/WE ARE REQUESTING THE TIME FOR COMPLETION be extended to October 1, 2043 (year).

Transfer extensions can be authorized for one (1) calendar year from October 1 to October 1 of each year, or up to five (5) years for transfers involving municipal or quasi-municipal uses, unless the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (3) and OAR 690-385-7200 (5).

As described above, since Transfer T-10530 was approved in 2008 the City has made significant upgrades to its water treatment plant, expanding the capacity from 4 mgd to 6 mgd by adding additional membrane filter racks. To realize the full capacity of the current water treatment plant, the City will need to make additional infrastructure improvements. To use the full amount of water authorized under Transfer T10530 the City may need to expand the water treatment plant capacity to 8 mgd. The City is currently in the process of developing a Water System Master Plan to identify needed improvements and to develop a capital improvement plan. The City will require sufficient time to complete this planning, and to secure the necessary funding.

Under the current expanded system, the City is able to use a portion of the water authorized under Transfer T-10530. For example, in its recent demonstration of beneficial use for Permit S-42117, the City's total documented beneficial use included approximately 0.18 cfs of use under Transfer T-10530. (See COBU dated 3/7/2022.) Moreover, use of water under Transfer T-10530 is likely greater during times that fish persistence flows associated with the City's Certificate 96726 are not met. Thus, the City has been relying on a portion of Transfer T-10530 to meet its municipal water supply demands.

As described in the City's 2021 WMCP, it continues to experience increases in the population it serves. The City's service area population was estimated to be 10,758 in 2019. This population is projected to be 12,094 in 2043. The projections are based on Portland State University's Population Research Center's 2019 demand forecast, as modified to include the service area outside of the city limits.

In addition to the increase in population, the City has also experienced an increase in the number of service connections. The City had a total of 3,893 customer accounts in 2017. As documented in the City's WMCP, this number continued to increase in 2018 and 2019, and is expected to continue to increase into the future.

5. I/WE CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE the information contained in this application is true and accurate.

5/25/2023
Date

Laura Stant, Public Works & Dev. Director
Signature of Applicant(s), i.e., Transfer Holder(s) of Record

RECEIVED
JUN 07 2023
OWRD

6. **IN ORDER FOR AN APPLICATION TO BE COMPLETE**, it must be accompanied by the required fee. See the Department's fee schedule at https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf or call (503) 986-0900.

7. **MAIL THE COMPLETED APPLICATION AND FEE TO:**

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED
JUN 07 2023
OWRD



Water Solutions, Inc.

June 5, 2023

Ann Reece
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Extension of Time for Transfer T-10530, in the name of the City of Cottage Grove

Dear Ann:

On behalf of the applicant, the City of Cottage Grove (City), we are submitting the enclosed Application for an Extension of Time for Transfer T-10530, and a check in the amount of \$780 for the required application fee.

As described in the enclosed application, the City is requesting until October 1, 2043 to complete Transfer T-10530. To complete the change in point of diversion authorized by the transfer, the City will need to make infrastructure improvements, including a possible expansion in the capacity of its water treatment plant. As described in the application, the City will require additional time to complete these changes.

If you have any questions regarding the application, please contact me at kgrigsby@gsiws.com or 541-257-9004. Please send copies of all correspondence relating to this application to both the City and to my attention. Thank you for your assistance and I look forward to hearing from you soon.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in cursive script that reads "Kimberly Grigsby".

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Transfer extension application
Check in the amount of \$780 for filing fee

cc: Faye Steward, Public Work & Planning Director, City of Cottage Grove

RECEIVED

JUN 07 2023

OWRD

Checklist for Transfer Extension Requests

If a transfer applicant needs more time to complete changes approved in a Transfer Final Order, a request for more time may be made by submitting a one page application form as shown below. See OAR 690-380-6020 (regular transfers) or OAR 690-385-7200 (district transfers)



Transfer 10530

APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:
I/We, _____

(Name of Applicant)



Has a final order approving the transfer application been issued (NOT a permit amendment)?



Have appropriate extension fees been submitted?



Is the Transfer Extension request filled out?



Is the Transfer Extension request signed by the transfer applicant of record (if not an assignment is needed)?



Pull file.

After receipting, route the file and extension request to district support staff for entering into WRIS.

PHILLIPS Stacy H * WRD

From: BLAKELY Lanaya F * WRD
Sent: Tuesday, June 20, 2023 8:29 AM
To: PHILLIPS Stacy H * WRD
Cc: EASTMAN Jeana M * WRD
Subject: RE: Request for WM Comments for Transfer Extension (T-10530)

Categories: Extensions

Hi Stacy,

I've reviewed the extension application and other attached documents. I don't see any issues that would prevent the extension from being approved, from my perspective as a watermaster.

The applicant seems to have made reasonable diligence per 690-380-6020 (4) (b) and (d).

Best regards,

Lanaya Blakely

District 2 Watermaster

C: 541-913-1154

O: 541-682-3620

From: EASTMAN Jeana M * WRD <Jeana.M.EASTMAN@water.oregon.gov>
Sent: Thursday, June 15, 2023 9:12 AM
To: BLAKELY Lanaya F * WRD <Lanaya.F.BLAKEY@water.oregon.gov>
Subject: FW: Request for WM Comments for Transfer Extension (T-10530)
Importance: High

Jeana Eastman, NW Region Assistant Watermaster, 503.428.8297
Oregon Water Resources, 725 Summer St NE, Ste A, Salem OR 97301

Plans to protect air and water, wilderness and wildlife are in fact plans to protect man. - Stewart L. Udall

From: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Sent: Wednesday, June 14, 2023 8:47 AM
To: MCCORD Mike L * WRD <Mike.L.MCCORD@water.oregon.gov>; EASTMAN Jeana M * WRD <Jeana.M.EASTMAN@water.oregon.gov>
Cc: REECE Ann L * WRD <Ann.L.REECE@water.oregon.gov>
Subject: Request for WM Comments for Transfer Extension (T-10530)
Importance: High

Hello Mike and Jeana,

Please look over the attached documents for me regarding an extension for this transfer.



Oregon

Kate Brown, 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.wrd.state.or.us

April 9, 2018

Applicant

CITY OF COTTAGE GROVE
ATTN: JAN WELLMAN
400 EAST MAIN STREET
COTTAGE GROVE, OR 97424

Agent

GSi WATER SOLUTIONS, INC.
ATTN: ADAM SUSSMAN
1600 SW WESTERN BLVD., SUITE 240
CORVALLIS, OR 97333

Reference: Transfer Application T-10530

Enclosed is a copy of the Special Order Volume 107, Page 1032 (copy enclosed) signed on April 5, 2018. The changes authorized under Application T-10530 for Certificates 7787 and 7838 and a portion of Certificate 2385 are reverted to all terms and conditions authorized under the water rights prior to the transfer. Enclosed are the new superseding Certificates 93717, 93718, and 93716.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kelly Starnes, by telephone at 503-986-0886 or by e-mail at Patrick.K.Starnes@oregon.gov.

Sincerely,

Sarah Henderson
Transfer and Conservation Section

cc: Watermaster #2
Theodore Ressler, CWRE
Adam Sussman, Agent
Row River Valley Water District

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-10530, Lane County, Oregon	)	REVERSION OF POINTS OF
	)	DIVERSION

Authority

OAR 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

Applicant

CITY OF COTTAGE GROVE
ATTN: FAYE STEWART
400 MAIN STREET
COTTAGE GROVE, OR 97424

Findings of Fact

1. On February 7, 2008, the CITY OF COTTAGE GROVE filed an application to change the points of diversion under Certificates 2385, 7787 and 7838. The Department assigned the application number T-10530.
2. On July 21, 2008, the Water Resources Department issued an order approving the proposed changes in points of diversion. The order was recorded in Special Order Volume 75, Page 391.
3. On March 12, 2018, Faye Stewart, Public Works and Development Director of the City of Cottage Grove, notified the Department that the City will not complete the change in point of diversion for the entirety of two rights, formerly described by Certificates 7787 and 7838 and not complete a 2.67 cubic feet per second (cfs) portion of Certificate 2385.
4. Pursuant to OAR 690-380-6010(6), the point of diversion shall revert to the last authorized point of diversion for that portion of the transfer not completed.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

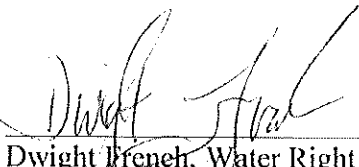
Conclusion of Law

The request to revert the rights described by Certificates 7787, 7838 and a 2.67 cfs portion of Certificate 2385, back to the last authorized point of diversion is consistent with the requirements of OAR 690-380-6010(6).

Now, therefore, it is ORDERED:

1. The point of diversion for the rights described by Certificates 7787 and 7838, authorized by Transfer Application T-10530, are reverted back to the points of diversion that were authorized under Certificates 7787 and 7838 prior to the transfer.
2. The point of diversion for a 2.67 cfs portion of Certificate 2385, authorized by Transfer Application T-10530, is reverted back to the point of diversion that was authorized under Certificate 2385 prior to the transfer.
3. Superseding certificates for Certificates 7787 and 7838 shall be issued to confirm the water rights being reverted. Scrivener's errors in these certificates as described in Special Order Volume 75, Page 391 will be corrected in the superseding certificates.
4. A superseding certificate for the portion of Certificate 2385 not being completed shall be issued to confirm the portion of the water right being reverted. A scrivener's error in this certificate, described in Special Order Volume 75, Page 391 will be corrected in the superseding certificate.
5. All other terms and conditions of Special Order Vol. 75, page 391 remain unchanged.

Dated at Salem, Oregon this APR 05 2018,


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

Mailing date: APR 10 2018

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
CITY OF COTTAGE GROVE
400 MAIN STREET
COTTAGE GROVE, OR 97424

confirms the right to use the waters of LAYNG CREEK , a tributary of ROW RIVER for MUNICIPAL WATER SYSTEM.

This right was perfected under Permit S-30. The date of priority is JUNE 12, 1909. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.67 CUBIC FEET PER SECOND (CFS).

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
21 S	1 E	WM	31	NW NE	313.91 FEET SOUTH AND 3277.04 FEET EAST FROM THE NW CORNER OF SECTION 31

A description of the place of use to which this right is appurtenant is as follows:

MUNICIPAL WATER SYSTEM
THE CITY OF COTTAGE GROVE IN LANE COUNTY, OREGON

This certificate is issued in accordance with OAR 690-380-6010 to describe the water right for a non-completed change in point of diversion approved by an order of the Water Resources Director entered July 21, 2008, at Special Order Volume 75, Page 391, and to describe the point of diversion as authorized under Transfer Application T-337, entered October 26, 1949 at Special Order Volume 6, Page 192, to correctly describe the name of the authorized source and together with Certificate 84168, supersedes Certificate 2385, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed APR 05 2018.

A handwritten signature in dark ink, appearing to read "Dwight French", written over a horizontal line.

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

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
CITY OF COTTAGE GROVE
400 MAIN STREET
COTTAGE GROVE, OR 97424

confirms the right to use the waters of DINNER CREEK , a tributary of LAYNG CREEK, for
MUNICIPAL SUPPLIES.

This right was perfected under Permit S-6822. The date of priority is APRIL 28, 1925. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.0 CUBIC FEET PER SECOND (CFS).

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	29	NW SE

A description of the place of use to which this right is appurtenant is as follows:

MUNICIPAL SUPPLIES
THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON

This certificate is issued in accordance with OAR 690-380-6010 to describe the water right for a non-completed change in point of diversion approved by an order of the Water Resources Director entered July 21, 2008, at Special Order Volume 75, Page 391, and to correctly describe the stream the authorized source is tributary to and to correctly describe the authorized place of use, and supersedes Certificate 7787, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

APR 05 2018

WITNESS the signature of the Water Resources Director, affixed _____.

A handwritten signature in cursive script, appearing to read "Dwight French", written over a horizontal line.

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

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
CITY OF COTTAGE GROVE
400 MAIN STREET
COTTAGE GROVE, OR 97424

confirms the right to use the waters of PRATHER CREEK , a tributary of LAYNG CREEK AND ROW RIVER for MUNICIPAL SUPPLIES.

This right was perfected under Permit S-8582. The date of priority is JUNE 18, 1928. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 4.0 CUBIC FEET PER SECOND (CFS).

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	30	SW SW

A description of the place of use to which this right is appurtenant is as follows:

MUNICIPAL SUPPLIES
THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON

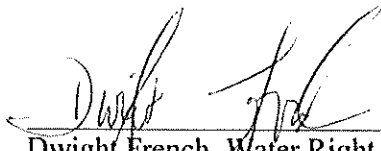
This certificate is issued in accordance with OAR 690-380-6010 to describe the water right for a non-completed change in point of diversion approved by an order of the Water Resources Director entered July 21, 2008, at Special Order Volume 75, Page 391, to correctly describe the location of the authorized point of diversion and authorized place of use, and supersedes Certificate 7838, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed APR 05 2018.


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

Water Right Transfer Checklist

Transfer T-10530

Transfer Specialist: Reimbursement Authority

Transfer Type: Regular

Applicant Name/Address: City of Cottage Grove, Attn: Jan Willman, Public Works Director, 400 E Main Street, Cottage Grove, OR 97424

Agent Name/Address: GSI Water Solutions, Inc., Attn Adam Sussman, 1600 SW Western Blvd, Suite 240, Corvallis, OR 97333

CWRE Name/Number: Theodore Ressler

Rec Landowner Name/Address: none

Irr. District Name/Address: none

Affected Gov'ts Name/Address: none

Commentors: Name/Address: none

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	S 136	S 30	2385	☒ Yes ☐ No	84168
☒	☒	S 10140	S 6822	7787	☐ Yes ☒ No	93717
☒	☒	S 12142	S 8582	7838	☐ Yes ☒ No	93718

Reversion
Cert
Nos.

Key Dates & Initial Actions

Rec'd: 02/07/08	Proposed Action(s): POU POD HST APOD USE OTHER: POD
Fees Pd: 800.00	WM District: 2 ODFW District: Karen Hans
Initial Notice: 02/19/08	WM Review sent: 02/13/08 ODFW Review sent: 02/13/08
Acknowledgement Letter Sent ☒	GW Review sent: none

Processing Dates & Actions

Deficiency Contacts: NA

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: 4/9/08

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: 5-9-08	Date: 5/9/08
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: 5/9/08	Date: 5/9/08

Comments/Special Issues:

Reimbursement Authority
Re-description of POU on Cert 1357838, because 1/4 listed on certificate has never been in the City of Cottage Grove.

Special Order Volume: Vol 75 Pages 391

Final Order Signature Date: 7-21-08

Notice of FO email'd to processors Dorothy

Reversion

Spec. Order Vol. 107 Pages 1032

FO. Signature Date APR 05 2018

Application

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction..."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)

- ☐ Only the authorized POD's/POA's and POUs to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| ☐ application complete | ☐ map | ☐ FPS | ☐ evidence of use | ☐ land-use form |
| ☐ deed/ROLI | ☐ certificate | ☐ fees paid | ☐ well logs | ☐ plat card |
| ☐ audit | ☐ dpd | | | |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Fish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –



Public Works Department

400 Main Street
Cottage Grove, OR 97424

(541) 942-3349
Fax 942-1267
www.cottagegrove.org

March 7, 2018

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

**RE: Request to Partially Revert Transfer T-10530 (former Certificates 2385, 7787, and 7838),
in the name of the City of Cottage Grove**

Ms. Jaramillo:

On July 21, 2008, the Oregon Water Resources Department (Department) approved Transfer Application T-10530, which was filed by City of Cottage Grove (City). (A copy of the final order approving the transfer is enclosed.) The transfer authorized a change in the points of diversion for the water rights previously evidenced by Certificates 7787, and 7838 and a 5.77 cfs portion of Certificate 2385. The transfer did not authorize any other changes (e.g., character of use or place of use) to the water rights.

This letter provides written notification to the Department that the City only intends to complete only a portion of Transfer T-10530. The portion of the transfer to be completed is a 3.1 cfs portion of the water right previously evidenced by Certificate 2385. Accordingly, the City requests that the Department revert the remaining portion of Transfer T-10530 back to the original terms and conditions of the water rights prior to the transfer.

We understand this will result in issuance of superseding certificates for the three water rights included in Transfer T-10530, excluding the 3.1 cfs portion described above. We understand the superseding certificates will be issued for the entirety of the water rights previously evidenced by Certificates 7787 and 7838, and a 2.67 cfs portion of the water right previously evidenced by Certificate 2385. Please note that the transfer final order approving T-10530 identified several scrivener's errors in all three original certificates. (Please see Findings of Fact #3, #7, #8, #11 and #12 in the final order.) We understand that the Department will correct these scrivener's errors when developing the superseding certificates as part of the reversion process.

Please let me know if you need any additional information, and feel free to contact me at 541-942-3349 with any questions regarding this request.

Sincerely,

Faye Stewart
Public Works & Development Director

Enclosure

RECEIVED

MAR 12 2018

OWRD



Public Works Department

400 Main Street
Cottage Grove, OR 97424

(541) 942-3349
Fax 942-1267
www.cottagegrove.org

March 7, 2018

Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

RECEIVED

MAR 12 2018

OWRD

**RE: Request to Partially Revert Transfer T-10530 (former Certificates 2385, 7787, and 7838),
in the name of the City of Cottage Grove**

Ms. Jaramillo:

On July 21, 2008, the Oregon Water Resources Department (Department) approved Transfer Application T-10530, which was filed by City of Cottage Grove (City). (A copy of the final order approving the transfer is enclosed.) The transfer authorized a change in the points of diversion for the water rights previously evidenced by Certificates 7787, and 7838 and a 5.77 cfs portion of Certificate 2385. The transfer did not authorize any other changes (e.g., character of use or place of use) to the water rights.

This letter provides written notification to the Department that the City only intends to complete only a portion of Transfer T-10530. The portion of the transfer to be completed is a 3.1 cfs portion of the water right previously evidenced by Certificate 2385. Accordingly, the City requests that the Department revert the remaining portion of Transfer T-10530 back to the original terms and conditions of the water rights prior to the transfer.

We understand this will result in issuance of superseding certificates for the three water rights included in Transfer T-10530, excluding the 3.1 cfs portion described above. We understand the superseding certificates will be issued for the entirety of the water rights previously evidenced by Certificates 7787 and 7838, and a 2.67 cfs portion of the water right previously evidenced by Certificate 2385. Please note that the transfer final order approving T-10530 identified several scrivener's errors in all three original certificates. (Please see Findings of Fact #3, #7, #8, #11 and #12 in the final order.) We understand that the Department will correct these scrivener's errors when developing the superseding certificates as part of the reversion process.

Please let me know if you need any additional information, and feel free to contact me at 541-942-3349 with any questions regarding this request.

Sincerely,

Faye Stewart
Public Works & Development Director

Enclosure

3. Certificate 2385 describes the authorized source as Lang Creek. However, the transfer application depicts the source of water under Certificate 2385 as being Lang Creek aka Layng Creek. Based on Transfer C-78 that changed the point of diversion for this right, Lang Creek is also known as Layng Creek. The name Layng Creek is also consistent with the original application map and subsequent permit application maps, leading the Department to conclude that the name of the source of water should be re-described as Layng Creek.

4. Application T-10530 proposes to move the authorized point of diversion approximately 17.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

5. The applicant submitted an Ownership Update Form and letter with transfer T-10530, requesting the remaining right certificate be issued in the name of Row River Valley Water District.
6. The second right to be transferred is as follows:
Certificate: 7787 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-6822)
Use: MUNICIPAL USES
Priority Date: APRIL 28, 1925
Rate: 4.0 CUBIC FEET PER SECOND (cfs)
Source: DINNER CREEK, tributary to COAST FORK WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	29	NW SE	NONE SPECIFIED

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	30	SE SE

7. Certificate 7787 states that Dinner Creek is a tributary of the Coast Fork Willamette River, however, in reality Dinner Creek is tributary to Layng (Lang) Creek, which is tributary to the Row River, which in turn is tributary to the Coast Fork Willamette River.
8. Certificate 7787 describes the authorized place of use as being in the SE ¼ SE ¼ of Section 30, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter submitted with transfer application T-10530 describes the place of use under Certificate 7787 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-10140) and the use described by Certificate 7787 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

RECEIVED

MAR 12 2018

OWRD

The following table lists the place of use as described in existing Certificate 7787 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7787	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	SE SE	
	Township 21 S, Range 1 E, Section 30	

9. Application T-10530 proposes to move the authorized point of diversion approximately 18.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

10. The third right to be transferred is as follows:

Certificate: 7838 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-8582)

Use: MUNICIPAL USES

Priority Date: JUNE 18, 1928

Rate: 4.0 CUBIC FEET PER SECOND (cfs)

Source: PRATHER CREEK, tributary to LAYNG CREEK AND ROW RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	30	SE SW	NONE SPECIFIED

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	31	NE NW

11. Certificate 7838 describes the authorized point of diversion as being in the SE ¼ SW ¼ of Section 30, Township 21 S, Range 1 E, W.M. However, the map submitted with transfer application T-10530, places Prather Creek farther west and, therefore, the location of the point of diversion in SW ¼ SW ¼ of Section 30. This is consistent with application map S-10140 (Permit S-6822, Certificate 7787) and USGS Quadrangle mapping, leading the Department to conclude the authorized point of diversion has actually always been within the SW ¼ SW ¼ Section 30, Township 21 S, Range 1 E, W.M. as shown on the application map for Transfer T-10530.

The following table shows the difference between the point of diversion described in Certificate 7838 and the point of diversion based on the above findings:

Certificate	Diversion Point described in Certificate 7838 and Application Map	Location of the Point of Diversion shown on the Application map for T-10530
7838	¼-¼	¼-¼
	SE SW	SW SW
	Section 30, Township 21 S, Range 1 E, W.M.	Section 30, Township 21 S, Range 1 E, W.M.

12. Certificate 7838 describes the authorized place of use as being in the NE ¼ NW ¼ of Section 31, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter submitted with transfer application T-10530 depicts the place of use under Certificate 7838 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-12142) and the use described in Certificate 7838 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

The following table lists the place of use as described in existing Certificate 7838 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7838	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	NE NW	
	Township 21 S, Range 1 E, Section 31	

13. Application T-10530 proposes to move the authorized point of diversion approximately 17.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

14. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
15. On April 9, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10530 to the applicant. The draft Preliminary Determination set forth a deadline of 30 days for the applicant to respond. On April 23, 2008, the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination, but requested a modification and offered a clarification of the relationship between Dinner Creek and the Coast Fork Willamette River. The applicant requested that Condition #6 of the draft Preliminary Determination be modified based on comments by the District #2 watermaster. Based on that request, the Department added a finding to acknowledge that the City, as a municipality, is required by statute to measure and report its water use. This document reflects those changes.
16. On May 9, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10530 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 13, 2008 (and again on May 20, 2008 to correct a scrivener's error in the location of the proposed points of diversion), and in the Cottage Grove Sentinel newspaper on May 28, June 4 and June 11, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

RECEIVED

MAR 12 2018

OWRD

17. 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 currently equipped with an appropriate fish screening and/or by-pass device.
18. The City requested fifteen years from issuance of the final order to complete the proposed change due to the need to construct expanded treatment facilities that are currently underway, but will be completed in phases over a considerable length of time.
19. Pursuant to ORS 537.099, the City of Cottage Grove has been measuring water use and reporting annual water use under these water rights to the Water Resources Department, and will continue to do so at the proposed point of diversion.

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

20. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
21. A diversion structure, pipeline and pumps sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10530.
22. The proposed change would not result in enlargement of the rights.
23. The proposed change would not result in injury to other water rights.

RECEIVED

MAR 12 2018

OWRD

Conclusions of Law

The change in point of diversion proposed in application T-10530 is consistent with the requirements of ORS 540.505 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in application T-10530 is approved.
2. Water right Certificates 2385, 7787 and 7838 are cancelled. A new certificate will be issued in the name of the Row River Valley Water District describing that portion of the right under Certificate 2385 not affected by this transfer.
3. 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 2385, 7787, 7838 and any related decree.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

5. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
7. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 21ST day of July 2008.


Phillip C. Ward, Director *PCW*

RECEIVED

MAR 12 2018

OWRD

Mailing date: JUL 25 2008



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 24, 2008

CITY OF COTTAGE GROVE
JAN WELLMAN
400 E MAIN ST
COTTAGE GROVE OR 97424

Reference: Transfer 10530

Enclosed is a copy of the order approving your water right transfer application.

A time to complete the transfer is given the order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #2
Theodore Ressler, CWRE
Adam Sussman, Agent
Row River Valley Water District

Enclosure

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

In the Matter of Transfer Application)
T-10530, Lane County) **FINAL ORDER APPROVING A
CHANGE IN POINT OF DIVERSION**

Authority

ORS 540.505 to 540.580 establishes 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF COTTAGE GROVE
ATTN: JAN WELLMAN
400 EAST MAIN STREET
COTTAGE GROVE, OR 97424

Agent

GSI WATER SOLUTIONS, INC.
ATTN: ADAM SUSSMAN
1600 SW WESTERN BLVD., SUITE 240
CORVALLIS, OR 97333

Findings of Fact

Background

1. On February 7, 2008, the City of Cottage Grove filed an application to change the point of diversion under Certificates 2385, 7787 and 7838. The Department assigned the application number T-10530.
2. The portion of the first right to be transferred is as follows:
Certificate: 2385 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-30)
Use: MUNICIPAL USES
Priority Date: JUNE 12, 1909
Rate: 5.77 CUBIC FEET PER SECOND (cfs)
Source: LANG CREEK, tributary to ROW RIVER

Authorized Point of Diversion (as established by an order recorded at Special Order Volume 6, Page 192):

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	31	NW NE	313.91 FEET SOUTH AND 3277.04 FEET EAST FROM THE NW CORNER OF SECTION 31

Authorized Place of Use: THE CITY OF COTTAGE GROVE IN LANE COUNTY, OREGON

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

3. Certificate 2385 describes the authorized source as Lang Creek. However, the transfer application depicts the source of water under Certificate 2385 as being Lang Creek aka Layng Creek. Based on Transfer C-78 that changed the point of diversion for this right, Lang Creek is also known as Layng Creek. The name Layng Creek is also consistent with the original application map and subsequent permit application maps, leading the Department to conclude that the name of the source of water should be re-described as Layng Creek.
4. Application T-10530 proposes to move the authorized point of diversion approximately 17.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

5. The applicant submitted an Ownership Update Form and letter with transfer T-10530, requesting the remaining right certificate be issued in the name of Row River Valley Water District.
6. The second right to be transferred is as follows:
Certificate: 7787 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-6822)
Use: MUNICIPAL USES
Priority Date: APRIL 28, 1925
Rate: 4.0 CUBIC FEET PER SECOND (cfs)
Source: DINNER CREEK, tributary to COAST FORK WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	29	NW SE	NONE SPECIFIED

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	30	SE SE

7. Certificate 7787 states that Dinner Creek is a tributary of the Coast Fork Willamette River, however, in reality Dinner Creek is tributary to Layng (Lang) Creek, which is tributary to the Row River, which in turn is tributary to the Coast Fork Willamette River.
8. Certificate 7787 describes the authorized place of use as being in the SE ¼ SE ¼ of Section 30, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter submitted with transfer application T-10530 describes the place of use under Certificate 7787 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-10140) and the use described by Certificate 7787 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

The following table lists the place of use as described in existing Certificate 7787 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7787	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	SE SE	
	Township 21 S, Range 1 E, Section 30	

9. Application T-10530 proposes to move the authorized point of diversion approximately 18.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

10. The third right to be transferred is as follows:

Certificate: 7838 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-8582)

Use: MUNICIPAL USES

Priority Date: JUNE 18, 1928

Rate: 4.0 CUBIC FEET PER SECOND (cfs)

Source: PRATHER CREEK, tributary to LAYNG CREEK AND ROW RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	30	SE SW	NONE SPECIFIED

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	31	NE NW

11. Certificate 7838 describes the authorized point of diversion as being in the SE ¼ SW ¼ of Section 30, Township 21 S, Range 1 E, W.M. However, the map submitted with transfer application T-10530, places Prather Creek farther west and, therefore, the location of the point of diversion in SW ¼ SW ¼ of Section 30. This is consistent with application map S-10140 (Permit S-6822, Certificate 7787) and USGS Quadrangle mapping, leading the Department to conclude the authorized point of diversion has actually always been within the SW ¼ SW ¼ Section 30, Township 21 S, Range 1E, W.M. as shown on the application map for Transfer T-10530.

The following table shows the difference between the point of diversion described in Certificate 7838 and the point of diversion based on the above findings:

Certificate	Diversion Point described in Certificate 7838 and Application Map	Location of the Point of Diversion shown on the Application map for T-10530
	¼-¼	¼-¼
7838	SE SW	SW SW
	Section 30, Township 21 S, Range 1 E, W.M.	Section 30, Township 21 S, Range 1 E, W.M.

12. Certificate 7838 describes the authorized place of use as being in the NE ¼ NW ¼ of Section 31, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter submitted with transfer application T-10530 depicts the place of use under Certificate 7838 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-12142) and the use described in Certificate 7838 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

The following table lists the place of use as described in existing Certificate 7838 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7838	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	NE NW	
	Township 21 S, Range 1 E, Section 31	

13. Application T-10530 proposes to move the authorized point of diversion approximately 17.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

14. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
15. On April 9, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10530 to the applicant. The draft Preliminary Determination set forth a deadline of 30 days for the applicant to respond. On April 23, 2008, the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination, but requested a modification and offered a clarification of the relationship between Dinner Creek and the Coast Fork Willamette River. The applicant requested that Condition #6 of the draft Preliminary Determination be modified based on comments by the District #2 watermaster. Based on that request, the Department added a finding to acknowledge that the City, as a municipality, is required by statute to measure and report its water use. This document reflects those changes.
16. On May 9, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10530 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 13, 2008 (and again on May 20, 2008 to correct a scrivener's error in the location of the proposed points of diversion), and in the Cottage Grove Sentinel newspaper on May 28, June 4 and June 11, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

17. 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 currently equipped with an appropriate fish screening and/or by-pass device.
18. The City requested fifteen years from issuance of the final order to complete the proposed change due to the need to construct expanded treatment facilities that are currently underway, but will be completed in phases over a considerable length of time.
19. Pursuant to ORS 537.099, the City of Cottage Grove has been measuring water use and reporting annual water use under these water rights to the Water Resources Department, and will continue to do so at the proposed point of diversion.

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

20. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
21. A diversion structure, pipeline and pumps sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10530.
22. The proposed change would not result in enlargement of the rights.
23. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in point of diversion proposed in application T-10530 is consistent with the requirements of ORS 540.505 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in point of diversion proposed in application T-10530 is approved.
2. Water right Certificates 2385, 7787 and 7838 are cancelled. A new certificate will be issued in the name of the Row River Valley Water District describing that portion of the right under Certificate 2385 not affected by this transfer.
3. 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 2385, 7787, 7838 and any related decree.
4. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

5. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
6. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.
7. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 21ST day of July 2008.


Phillip C. Ward, Director *PCW*

Mailing date: JUL 25 2008

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROW RIVER VALLEY WATER DISTRICT
P.O. BOX 1
DORENA, OR 97434

confirms the right to use the waters of LAYNG CREEK, tributary to ROW RIVER, for MUNICIPAL USES.

This right was perfected under Permit S-30. The date of priority is JUNE 12, 1909. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.23 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	31	NW NE	313.91 FEET SOUTH AND 3277.04 FEET EAST FROM THE NW CORNER OF SECTION 31

A description of the place of use to which this right is appurtenant is as follows:

THE CITY OF COTTAGE GROVE IN LANE COUNTY, OREGON

This certificate describes that portion of the water right confirmed by Certificate 2385, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered July 21, 2008 approving Transfer Application T-10530.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed July 21, 2008.


Phillip C. Ward, Director



Oregon

Theodore R. Kulongoski, Governor

RECEIVED

JUN 18 2008

WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1266

503-986-0900

May 12, 2008 FAX 503-986-0904

City of Cottage Grove
ATTN: JAN WELLMAN
400 E MAIN ST
COTTAGE GROVE OR 97424

SUBJECT: Transfer Application T-10530

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10530. 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 30-day 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.

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. **After publication, the Department needs to receive an affidavit specifying the dates the notice was published.** Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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.

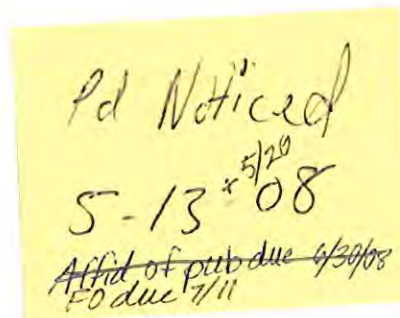
Please do not hesitate to contact me at if I may be of assistance.

Sincerely,

Dorothy I. Pedersen
Field Services Division

cc: Michael Mattick, District 2 Watermaster
Adam Sussman, GSI Water Solutions, agent for the applicant
Theodore R. Ressler, CWRE #78185

encs



RECEIVED

JUN 18 2008

WATER RESOURCES DEPT
SALEM, OREGON

Affidavit of Publication

STATE OF OREGON
County Of Lane)

I, Carla A. Williams, being first duly sworn, depose and say that I am the legal clerk of the Cottage Grove Sentinel, a newspaper of general circulation, as defined by ORS 193.010. and 193.020, printed and published Cottage Grove in the aforesaid county and state that:

NOTICE OF PRELIMINARY DETERMINATION FOR WATER RIGHT TRANSFER T-10530

T-10530 filed by the City of Cottage Grove, 400 E. Main St., Cottage Grove, OR 97424, proposes a change in point of diversion under Certificates 2385, 7787 and 7838 (priority dates June 12, 1909, April 28, 1925 and June 18, 1928). The affected portions of ...

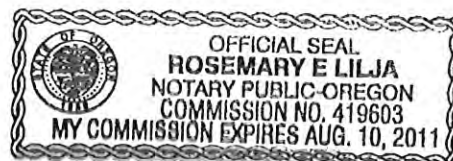
A printed copy of which hereto annexed, was published once a week in the entire issues of said newspaper for one week in the following issue(s): May 28, June 4 and 11, 2008.

Carla Williams

Carla Williams, Legal Clerk

Personally appeared before me the above named Carla Williams and swore that the above facts are true on the 16th of June, 2008.

Rosemary E. Lilja
Notary Public for Oregon



NOTICE OF PRELIMINARY
DETERMINATION FOR
WATER RIGHT TRANSFER
T-10530

T-10530 filed by the City of Cottage Grove, 400 E. Main St., Cottage Grove, OR 97424, proposes a change in point of diversion under Certificates 2385, 7787 and 7838 (priority dates June 12, 1909, April 28, 1925 and June 18, 1928). The affected portions of the rights allow the use of 5.77 cfs, 4.0 cfs and 4.0 cfs, respectively, from diversions in Sec. 29, 30 and 31, T21S, R1E, W.M. (Layng Creek, Dinner Creek, and Prather Creek Basins) for municipal uses within the City of Cottage Grove. The applicant proposes to change the points of diversion to a location between approximately 17.1 and 18.7 miles downstream (Sec. 35, T20S, R3W, W.M.) from the authorized points of diversion. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is June 11, 2008. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

RECEIVED
JUN 18 2008 •
WATER RESOURCES DEPT
SALEM, OREGON

**Notice of Preliminary Determination for
Water Right Transfer T-10530**

*Published on WRD
weekly notice 5/29/08*

T-10530 filed by the City of Cottage Grove, 400 E. Main St., Cottage Grove, OR 97424, proposes a change in point of diversion under Certificates 2385, 7787 and 7838 (priority dates June 12, 1909, April 28, 1925 and June 18, 1928). The affected portions of the rights allow the use of 5.77 cfs, 4.0 cfs and 4.0 cfs, respectively, from diversions in Sec. 29, 30 and 31, T21S, R1E, W.M. (Layng Creek, Dinner Creek, Prather Creek Basins) for municipal uses within the City of Cottage Grove. The applicant proposes to change the points of diversion to a location between approximately 17.1 and 18.7 miles downstream (Sec. 35, T20S, R3W, W.M.) from the authorized points of diversion. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is **[DATE OF LAST PUBLICATION]**. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900

May 12, 2008 FAX 503-986-0904

City of Cottage Grove
ATTN: JAN WELLMAN
400 E MAIN ST
COTTAGE GROVE OR 97424

SUBJECT: Transfer Application T-10530

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10530. 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 30-day 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.

Because the new point of diversion is more than ¼ mile from the authorized point of diversion, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place. After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department, however you will want to request specifically that they do so. The newspaper can mail the affidavit to me at the address above.

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,

Dorothy I. Pedersen
Field Services Division

cc: Michael Mattick, District 2 Watermaster
Adam Sussman, GSI Water Solutions, agent for the applicant
Theodore R. Ressler, CWRE #78185

encs



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10530, Lane County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF COTTAGE GROVE
ATTN: JAN WELLMAN
400 EAST MAIN STREET
COTTAGE GROVE, OR 97424

Agent

GSi WATER SOLUTIONS, INC.
ATTN: ADAM SUSSMAN
1600 SW WESTERN BLVD., SUITE 240
CORVALLIS, OR 97333

Findings of Fact

Background

1. On February 7, 2008, The City of Cottage Grove filed an application to change the point of diversion under Certificates 2385, 7787 and 7838. The Department assigned the application number T-10530.
2. The portion of the first right to be transferred is as follows:
Certificate: 2385 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-30)
Use: MUNICIPAL USES
Priority Date: JUNE 12, 1909
Rate: 5.77 CUBIC FEET PER SECOND (cfs)
Source: LANG CREEK, tributary to ROW RIVER

Authorized Point of Diversion (as established by an order recorded at Special Order Volume 6, Page 192):

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	31	NW NE	313.91 FEET SOUTH AND 3277.04 FEET EAST FROM THE NW CORNER OF SECTION 31

Authorized Place of Use: THE CITY OF COTTAGE GROVE IN LANE COUNTY, OREGON

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.

3. Certificate 2385 describes the authorized source as Lang Creek. However, the transfer application depicts the source of water under Certificate 2385 as being Lang Creek aka Layng Creek. Based on Transfer C-78 that changed the point of diversion for this right, Lang Creek is also known as Layng Creek. The name Layng Creek is also consistent with the original application map and subsequent permit application maps leading the Department to conclude that the name of the source of water should be re-described as: Layng Creek.
4. Application T-10530 proposes to move the authorized point of diversion approximately 17.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

5. The applicant submitted an Ownership Update Form and letter with transfer T-10530, requesting the remaining right certificate be issued in the name of Row River Valley Water District.
6. The second right to be transferred is as follows:
Certificate: 7787 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-6822)
Use: MUNICIPAL USES
Priority Date: APRIL 28, 1925
Rate: 4.0 CUBIC FEET PER SECOND (cfs)
Source: DINNER CREEK, tributary to COAST FORK WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	29	NW SE	NONE SPECIFIED

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	30	SE SE

7. Certificate 7787 states that Dinner Creek is a tributary of the Coast Fork Willamette River, however, in reality Dinner Creek is tributary to Layng (Lang) Creek, which is tributary to the Row River, which in turn is tributary to the Coast Fork Willamette River.
8. Certificate 7787 describes the authorized place of use as being in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter submitted with transfer application T-10530 describes the place of use under Certificate 7787 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-10140) and the use described by certificate 7787 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

The following table lists the place of use as described in existing certificate 7787 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7787	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	SE SE	
	Township 21 S, Range 1 E, Section 30	

9. Application T-10530 proposes to move the authorized point of diversion approximately 18.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

10. The third right to be transferred is as follows:

Certificate: 7838 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-8582)

Use: MUNICIPAL USES

Priority Date: JUNE 18, 1928

Rate: 4.0 CUBIC FEET PER SECOND (cfs)

Source: PRATHER CREEK, tributary to LAYNG CREEK AND ROW RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	30	SE SW	NONE SPECIFIED

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
21 S	1 E	WM	31	NE NW

11. Certificate 7838 describes the authorized point of diversion as being in the SE ¼ SW ¼ of Section 30, Township 21 S, Range 1 E, W.M. However, the map submitted with Transfer application S-10530, places Prather Creek farther west and, therefore, the location of the point of diversion in SW ¼ SW ¼ of Section 30. This is consistent with application map S-10140 (Permit S-6822, Certificate 7787) and USGS Quadrangle mapping, leading the Department to conclude the authorized point of diversion has actually always been within the SW ¼ SW ¼ Section 30, Township 21 S, Range 1E, W.M. as shown on the application map for Transfer T-10530.

The following table shows the difference between the point of diversion described in certificate 7838 and the point of diversion based on the above findings:

Certificate	Diversion Point described in Certificate 7838 and Application Map	Location of the Point of Diversion shown on the Application map for T-10530
7838	¼-¼	¼-¼
	SE SW	SW SW
	Section 30, Township 21 S, Range 1 E, W.M.	Section 30, Township 21 S, Range 1 E, W.M.

12. Certificate 7838 describes the authorized place of use as being in the NE ¼ NW ¼ of Section 31, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter

submitted with transfer application T-10530 depicts the place of use under Certificate 7838 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-12142) and the use described in certificate 7838 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

The following table lists the place of use as described in existing certificate 7838 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7838	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	NE NW	
	Township 21 S, Range 1 E, Section 31	

13. Application T-10530 proposes to move the authorized point of diversion approximately 17.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

14. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
15. On April 9, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10530 to the applicant. The draft Preliminary Determination set forth a deadline of 30 days for the applicant to respond. On April 23, 2008, the applicant's agent requested that the Department proceed with issuance of a Preliminary Determination, but requested a modification and offered a clarification of the relationship between Dinner Creek and the Coast Fork Willamette River. The applicant requested that Condition #6 of the draft Preliminary Determination be modified based on comments by the District #2 watermaster. Based on that request, the Department added a finding to acknowledge that the City, as a municipality, is required by statute to measure and report its water use. This document reflects those changes.
16. 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 currently equipped with an appropriate fish screening and/or by-pass device.
17. The City requested fifteen years from issuance of the final order to complete the proposed change due to the need to construct expanded treatment facilities that are currently underway, but will be completed in phases over a considerable length of time.

18. Pursuant to ORS 537.099, the City of Cottage Grove has been measuring water use and reporting annual water use under these water rights to the Water Resources Department, and will continue to do so at the proposed point of diversion.

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

19. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
20. A diversion structure, pipeline and pumps sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10530.
21. The proposed change would not result in enlargement of the rights.
22. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion proposed in application T-10530 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 application will be approved.

If application T-10530 is approved, the final order will include the following:

1. *The change in point of diversion proposed in application T-10530 is approved.*
2. *Water right certificates 2385, 7787 and 7838 are cancelled. A new certificate will be issued in the name of the Row River Valley Water District describing that portion of the right under certificate 2385 not affected by this transfer.*
3. *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 2385, 7787, 7838 and any related decree.*
4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.*
5. *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
6. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Rights 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.*

7. *When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 9th day of May 2008.


12 Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10530**

T-10530 filed by the City of Cottage Grove, 400 E. Main St., Cottage Grove, OR 97424, proposes a change in point of diversion under Certificates 2385, 7787 and 7838 (priority dates June 12, 1909, April 28, 1925 and June 18, 1928). The rights allow the use of 5.77 cfs, 4.0 cfs and 4.0 cfs, respectively, from diversions in Sec. 29, 30 and 31, T21S, R1E, W.M. (Layng Creek, Dinner Creek, Prather Creek Basins) for municipal uses within the City of Cottage Grove. The applicant proposes to change the points of diversion to a location between approximately 17.1 and 18.7 miles downstream (Sec. ~~20~~³⁰, T~~20~~³⁰S, R3W, W.M.) from the authorized points of diversion. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0881. The last date of newspaper publication is **[DATE OF LAST PUBLICATION]**. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

* Permit No. 6802

CERTIFICATE NO. 7787

APPLICATION FOR A PERMIT

To Appropriate the Public Waters of the State of Oregon

We, the City of Cottage Grove,
(Name of Applicant)
 of Cottage Grove,
(Postoffice), County of Lane,
 State of Oregon, do hereby make application for a permit to appropriate the
 following described public waters of the State of Oregon subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

Charter granted 1901

1. The source of the proposed appropriation is Dinner Creek,
(Name of stream)
Laying Creek and Row River
 tributary of Coast Fork Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is four (4)
cubic feet per second.

3. The use to which the water is to be applied is
Municipal supplies
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 63.6 chains N 56° 44' E of the Southwest
(Give distance and bearing to section corner)
corner of Sec. 29.

being within the NW 1/4 SE 1/4 of Sec. 29, Tp. 21 South
(Give smallest legal subdivision) (No. N. or S.)
 R. 1 East, W. M., in the county of Lane
(No. E. or W.)

5. The pipe line to be 0.90 miles
(Main ditch, canal or pipe line)
 in length, terminating in the SE 1/4 SE 1/4 of Sec. 30, Tp. 21 South
(Smallest legal subdivision) (No. N. or S.) as the)
 R. 1 East, W. M., the proposed location being shown throughout on the accompanying map. traverse)
(No. E. or W.) line of tie.

6. The name of the ditch, canal or other works is The Dinner Creek Extension of
Cottage Grove Pipe Line, discharging water into the present pipeline at the
City Dam, shown on Laying Creek.

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam 10' feet, length on top 50 feet, length at bottom
feet; material to be used and character of construction Concrete.
(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate None.
(Timber, concrete, etc., number and size of openings)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate. Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

IRRIGATION—

9. The land to be irrigated has a total area of acres, located in each smallest legal subdivision, as follows:

(Give area of land in each smallest legal subdivision which you intend to irrigate)

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet.
(Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec.
(Legal subdivision)
Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(e) Is water to be returned to any stream?
(Yes or No)

(f) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

Cert
7787
6822(b)

MUNICIPAL SUPPLY—

11. To supply the city of Cottage Grove
Lane County, having a present population of 3200
(Name of)
and an estimated population of 6000 in 1940.

(Answer questions 12, 13, 14 and 15 in all cases)

12. Estimated cost of proposed works, \$ 9,000.....
13. Construction work will begin on or before September 1, 1925.....
14. Construction work will be completed on or before December 1, 1925.....
15. The water will be completely applied to the proposed use on or before December 1, 1925.....

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Water Board, accompany this application.

City of Cottage Grove,
(Name of applicant)
Geo. O. Knowles, Mayor,
Homer Galloway, Recorder.

Signed in the presence of us as witnesses:

- (1) () Lombard, Cottage Grove, Oregon.
(Name) (Address of Witness)
(2) R. H. Townsend, Cottage Grove, Oregon.
(Name) (Address of Witness)

Remarks: The pipe to be laid at this time will be 12 inch in size,
and the amount of fall is 4.2 feet per thousand feet.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before

WITNESS my hand this day of

State Engineer.

Application No. 10140

Permit No. 6822

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

District No.

*This instrument was first received
in the office of the State Engineer at*

Salem, Oregon, on the 28 day

of April, 1925,

at 12:00 o'clock P.M.

Returned to applicant for correction

Corrected application received

Approved:

July 18, 1925

Recorded in Book No. 23 of
Permits, on Page 6822

RHEA LUPER

State Engineer.

1 map ER
\$8.00

STATE OF OREGON,

County of Marion,

ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The right herein granted is limited to the appropriation of water from

Dinner Creek for municipal purposes.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 4.0 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is April 28, 1925.

Actual construction work shall begin on or before July 18, 1926 and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1927

Complete application of the water to the proposed use shall be made on or before

October 1, 1926

WITNESS my hand this 18th day of July, 1925

Rhea Luper

State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 5728, Oregon Laws, and the payment of annual fees as provided in Section 5803, Oregon Laws.

This form approved by the State Water Board, March 11, 1909.

* Permit No. 8582

APPLICATION FOR A PERMIT

CERTIFICATE NO. 7838

To Appropriate the Public Waters of the State of Oregon

I, We, The City of Cottage Grove, Oregon
 (Name of applicant)
 of Cottage Grove, County of Lane
 (Postoffice)
 State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation Charter Granted 1901

1. The source of the proposed appropriation is Prather Creek
 (Name of stream)

tributary of Laying Creek and Row River
Coast Fork Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is

4 cubic feet per second.

3. The use to which the water is to be applied is Municipal supplies
 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of division is located N. 64° 30' E. 1170 ft. of the Southwest Corner
 (Give distance and bearing to section corner)
of Sec. 30

being within the SE 1/4 SW 1/4 of Sec. 30, Tp. 21 S.
 (Give smallest legal subdivision) (No. N. or S.)

R. 1 E., W. M., in the county of Lane
 (No. E. or W.)

5. The Prather Creek Pipe Line to be 1200 ft.
 (Main ditch, canal or pipe line)

miles in length, terminating in the NE 1/4 NW 1/4 of Sec. 31, Tp. 21 S.
 (Smallest legal subdivision) (No. N. or S.)

R. 1 E., W. M., the proposed location being shown throughout on the accompanying map.
 (No. E. or W.)

6. The name of the ditch, canal or other works is Prather Creek Supply Line

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam 8' feet, length on top 30 feet, length at bottom
35 feet; material to be used and character of construction Timber
 (Loose rock, concrete, masonry,
 rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Wood, one opening
 (Timber, concrete, etc., number and size of openings)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR
IRRIGATION—

9. The land to be irrigated has a total area of acres, located in each smallest legal subdivision, as follows:
(Give area of land in each smallest legal subdivision which you intend to irrigate)

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet.
(Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec.
(Legal subdivision)

Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(e) Is water to be returned to any stream?
(Yes or No)

(f) If so, name stream and locate point of return
....., Sec., Tp., R., W. M.
(No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

8582-b

*Cert
7838*

11. To supply the city of Cottage Grove
Lane County, having a present population of 3500
(Name of)
 and an estimated population of 6000 in 1940.

(Answer questions 12, 13, 14, and 15 in all cases)

12. Estimated cost of proposed works, \$ 500.00
 13. Construction work will begin on or before July 1, 1928
 14. Construction work will be completed on or before July 30, 1928
 15. The water will be completely applied to the proposed use on or before Sept. 1, 1928

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Engineer, accompany this application.

CITY OF COTTAGE GROVE
(Name of applicant)

Geo. O. Knowles
 Mayor

O. H. Vandenburg
 Recorder

Signed in the presence of us as witnesses:

- (1) Herbert Lanbent, Cottage Grove, Oregon
(Name) (Address of witness)
 (2) Dorothy E. Lunan, Cottage Grove, Oregon
(Name) (Address of witness)

Remarks: The pipe to be used will be 12" wood pipe and connect with
the pipe line to Cottage Grove from Dinner Creek at a point near the point
of diversion of Laying Creek, original filing.
 Grade: 25 ft. in 1200 ft. or slightly over 2%.

STATE OF OREGON, }
 County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before _____, 1928.

WITNESS my hand this _____ day of _____, 1928.

STATE ENGINEER.

Application No. 12142

Permit No. 8502

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

District No.

*This instrument was first received in the
office of the State Engineer at Salem, Oregon,*

on the 10th day of June,

1928, at 8:00 o'clock A. M.

Returned to applicant for correction:

Corrected application received:

Approved:

August 3rd, 1928

Recorded in Book No. 28 of
Permits, on page 8582

R. H. E. A. L. U. P. E. R.

STATE ENGINEER

1 map ACFP

\$13.00

STATE OF OREGON, }
County of Marion, } ss.

*This is to certify that I have examined the foregoing application and do hereby grant the same,
subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited*

*to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject
to such reasonable rotation system as may be ordered by the proper state officer.*

The right herein granted is limited to the appropriation of water from

Prather Creek for municipal purposes.

*The amount of water appropriated shall be limited to the amount which can be applied to bene-
ficial use and not to exceed 4.0 cubic feet per second, or its equivalent in case of
rotation. The priority date of this permit is June 18, 1928.*

*Actual construction work shall begin on or before August 3, 1933 and shall
thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1934*

Complete application of the water to the proposed use shall be made on or before October 1, 1935

WITNESS my hand this 3rd day of August, 1928.

R. H. E. A. L. U. P. E. R.

STATE ENGINEER.

Permits for power development are subject to the limitation of franchise as provided in Section 5728, Oregon Laws, and the
payment of annual fees as provided in Section 5508, Oregon Laws.

This form approved by the State Water Board, March 11, 1909.

Dorothy Pedersen

From: Kim Grigsby [KGrigsby@GSIWaterSolutions.com]
Sent: Thursday, May 08, 2008 10:20 AM
To: Dorothy Pedersen
Subject: RE: T-10530 PD draft

Hi Dorothy,

Thank you very much for sending me the PD draft. I think it looks very good, and appreciate the changes that you have made in response to the comments submitted on behalf of the City. I would, however, like to request a slight rewording of finding of fact # 15. I think the following revisions to the last two sentences of that finding would better reflect our comments dated April 23, 2008, and the discussions leading to those comments.

The applicant requested that Condition #6 of the draft Preliminary Determination be modified based on comments by the District 2 watermaster. Based on that request, the Department added a finding to acknowledge that the City, as a municipality, is required by statute (note: you have a typo here) to measure and report its water use. This document reflects those changes.

Please let me know if this modification to the last two sentences of finding of fact #15 is acceptable to the Department.

Thank you for all of your assistance with this process.

Regards,
Kim

Kimberly Grigsby
Water Resources Consultant
GSI Water Solutions, Inc.
1600 Western Blvd., Suite 240
Corvallis, OR 97333
Phone: 541-753-0745 ext. 13

-----Original Message-----

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Wednesday, May 07, 2008 4:17 PM
To: Kim Grigsby
Subject: T-10530 PD draft

Hi Kim,

I've attached the PD document for you to review. I'll be back Friday to check on whether you have comments.

Thanks,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Dorothy Pedersen

From: Michael Mattick
Sent: Tuesday, April 22, 2008 2:04 PM
To: Dorothy Pedersen; Kim Grigsby
Subject: Measuring Device T-10530

Hi Dorothy and Kim,

Regarding my transfer review recommendation for measuring devices:

Present and should be maintained.

I refer to the city measuring what they divert from the creek for municipal use.

If water continues to be diverted from Layng Creek for any purpose under a remaining right certificate, that diversion should continue to be measured.

If the ownership of the right changes to be someone other than the city, the new owner ought to measure the diversion.

If the City of Cottage Grove does not own the diversion, that obligation should continue on the right for whomever takes it over, though that need not be the city.

For the use of water at the Row River treatment plant:

I would not say the particular measuring device at Layng Creek needs to be moved down to the Row River site; I don't even know what that device is;

But the City should continue to measure their use of water under this right (and under all their rights) and they should continue to annually report their monthly use.

There is no measuring or reporting condition or Watermaster requirement on their existing uses. They are just subject to the statutory measuring and reporting requirements of ORS 537.099. That will continue that the new place regardless of whether or not it is a spelled out condition in the order.

I have not had to distribute water in the Row River Basin in my time here nor am I aware of my predecessor doing so.

So, the order does not need to say that the Watermaster is requiring measuring or reporting, because I need it for management. But measuring and reporting is required by act of the legislature for all governmental use.

MM

Michael J. Mattick
 District 2 Watermaster
 ph 541 682-3620
 fax 541 746-1861
 220 5th St, Springfield, OR 97477
 generally open 8:30 am until 4:00 pm
 Water Resources Department Web Page: www.wrd.state.or.us

*Forward to PMW with
 explanation of change from
 measuring condition to
 finding acknowledging ORS 537.099
 requirement for annual
 water use reporting
 by governmental
 agency.*



RECEIVED

APR 28 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

April 23, 2008

Dorothy Pedersen
Field Services Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Transfer Application T-10530 Draft Preliminary Determination for Water Right
Certificates 2385, 7787 and 7838, in the name of the City of Cottage Grove

Dear Ms. Pedersen:

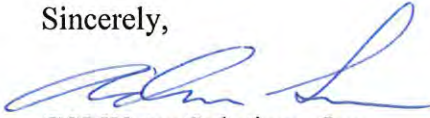
On behalf of the applicant, the City of Cottage Grove (City), we are confirming receipt of the Draft Preliminary Determination and cover letter for Transfer T-10530, which were dated April 9, 2008. We agree with the Draft Preliminary Determination, with one modification. We would like to also offer one clarification.

First, item 6 under Determination and Proposed Action in the Draft Preliminary Determination states: "The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department. After talking with District 2 watermaster, Michael Mattick, and reviewing his April 22, 2008 e-mail message, we understand that the intent of his comment is that the City should continue to measure and report its water use, as required by statute. We agree with the Draft Preliminary Determination with the understanding that the above condition will be eliminated and the Preliminary Determination will contain a finding that the City, as a municipality, is required by statute to measure and report its water use.

Second, while we recognize that Certificate 7787 states that Dinner Creek is a tributary of the Coast Fork Willamette River, the City would like to clarify that Dinner Creek is a tributary to Layng (Lang) Creek, which is tributary to the Row River, which is then tributary to the Coast Fork Willamette River. We appreciate the opportunity to include this clarification into the record for this transfer.

Thank you for all of the help that you and other OWRD staff have provided us during this transfer. If you have any questions regarding the enclosed, please call me at 541-753-0745. Please continue to send copies of all correspondence relating to this transfer to both the City and to my attention. Thank you again for your assistance and we look forward to receiving the Preliminary Determination.

Sincerely,



GSI Water Solutions, Inc.
Adam Sussman
Senior Water Resources Consultant

cc: Jan Wellman, City of Cottage Grove

RECEIVED
APR 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation



City Manager's Office

400 Main Street
Cottage Grove, OR 97424

(541) 942-5501

Fax 942-1267

www.cottagegrove.org

E-mail: citymanager@cottagegrove.org

RECEIVED

February 6, 2008

FEB 13 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Jerry Sauter
Water Rights and Adjudications Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Ownership Update for a Portion of Water Right Certificate 2385 (Application S-136), in the name of the City of Cottage Grove

Dear Mr. Sauter:

On behalf of the City of Cottage Grove (City), I am submitting the enclosed Certificate of Water Right Ownership Update for a portion of Certificate 2385. The City is conveying 0.23 cfs of this water right to the Row River Valley Water District and requests that the Oregon Water Resources Department (OWRD) records be modified to reflect this change.

You should be aware that the City has also filed a transfer application for Certificate 2385. The City has proposed to transfer the point of diversion for all but 0.23 cfs of this water right to the City's water treatment plant on the Row River. We have requested that OWRD issue the remaining right in the name of the Row River Valley Water District, following completion of this transfer.

Please contact me if you have any questions about the change in ownership of a portion of Certificate 2385. My telephone number is (541) 942-5501.

Sincerely,


Richard Meyers
City Manager

Cc: Adam Sussman, GSI Water Solutions, Inc.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): City of Cottage Grove Attn Richard Meyers, City Manager
First Last
Mailing address: 400 Main Street
Cottage Grove OR 97424
City State Zip
Phone: 541-942-5501
Home Work Other

RECEIVED

FEB 13 2008

PROPERTY BUYER INFORMATION

Applicant(s): Row River Valley Water District
First Last
Mailing address: PO Box 1
Dorena OR 97434
City State Zip
Phone:
Home Work Other

WATER RESOURCES DEPT
SALEM, OREGON

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Township: Range: Section:
Tax lot number(s):

Attach a copy of your property deed or legal description of the property.

Street address of water right property: This is a municipal water right that is being conveyed separately from a land conveyance.

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: S-136 Permit #: S-30 Certificate or page #: 2385

Will all the lands associated with this water right be owned by the buyer? ☐ Yes ☒ No

Name of individual completing this form: Richard Meyers Phone: 541-942-5501
Print

Note: only 0.23 cfs is being conveyed.

Signature: [Signature] Date: February 6, 2008



RECEIVED

FEB 13 2008

February 13, 2008

WATER RESOURCES DEPT
SALEM, OREGON

Sarah Henderson
Field Services Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Transfer Application T-10530, in the name of the City of Cottage Grove

Dear Ms. ^{Sarah}Henderson:

The City of Cottage Grove (City) recently submitted to the Oregon Water Resources Department (OWRD) a transfer application for several of the City's water right certificates (T-10530), including Certificate 2385. On February 6, 2008, the City sent to OWRD an Ownership Update for the portion of water right certificate 2385 that is not proposed for transfer in application T-10530. I am enclosing a copy of the Ownership Update for inclusion in transfer file T-10530 since the ownership change will affect issuance of the remaining right following the transfer.

If you have any questions, please call me at 541-753-0745. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Grigsby", is written over a horizontal line.

Kimberly Grigsby
Water Resources Consultant

Enclosure: Ownership Update for a Portion of Water Right Certificate 2385



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 9, 2008

CITY OF COTTAGE GROVE
JAN WELLMAN
400 E MAIN ST
COTTAGE GROVE OR 97424

SUBJECT: Application T-10530

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10530. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

The map, submitted with transfer application T-10530, showing the existing point of diversion for certificate 7787, does not show the referenced section corner - the SE corner of section 29. In this case, the Department will not ask for a revised map since there appear to be no other deficiencies. Please be sure on future maps, however, to display the government corners referenced to locate points of diversion.

Because the new point of diversion is more than ¼ mile from the authorized points of diversion, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response. If we do not receive your response and the report by 30 days from the date of this letter, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Michael Mattick, District 2 Watermaster
GSI Water Solutions, Inc.
Theodore R. Ressler, CWRE #78185

enc

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

In the Matter of Transfer Application)
T-10530, Lane County)

D R A F T

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN POINT OF DIVERSION

Authority

ORS 540.505 to 540.580 establishes 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF COTTAGE GROVE
ATTN: JAN WELLMAN
400 E MAIN ST
COTTAGE GROVE OR 97424

Findings of Fact

Background

1. On February 7, 2008, The City of Cottage Grove filed an application to change the point of diversion under Certificates 2385, 7787 and 7838. The Department assigned the application number T-10530.

2. The portion of the first right to be transferred is as follows:

Certificate: 2385 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-30)

Use: MUNICIPAL USES

Priority Date: JUNE 12, 1909

Rate: 5.77 CUBIC FEET PER SECOND

Source: LANG CREEK, tributary to ROW RIVER

Authorized Point of Diversion (as established by an order recorded at Special Order Volume 6, Page 192):

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	31	NW NE	313.91 FEET SOUTH AND 3277.04 FEET EAST FROM THE NW CORNER OF SECTION 31

Authorized Place of Use: THE CITY OF COTTAGE GROVE IN LANE COUNTY, OREGON

3. Certificate 2385 describes the authorized source as Lang Creek. However, the transfer application depicts the source of water under Certificate 2385 as being Lang Creek aka Layng Creek. Based on Transfer C-78 that changed the point of diversion for this right, Lang Creek is also known as Layng Creek. The name Layng Creek is also consistent with the original application map and subsequent permit application maps leading the Department to conclude that the name of the source of water should be re-described as: Layng Creek.
4. Application T-10530 proposes to move the authorized point of diversion approximately 17.5 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

5. The applicant submitted an Ownership Update Form and letter with transfer T-10530, requesting the remaining right certificate be issued in the name of: Row River Valley Water District.
6. The second right to be transferred is as follows:

Certificate: 7787 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-6822)

Use: MUNICIPAL USES

Priority Date: APRIL 28, 1925

Rate: 4.000 CUBIC FEET PER SECOND

Source: DINNER CREEK, tributary to COAST FORK WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	29	NW SE	None stated

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	ACRES
21 S	1 E	WM	30	SE SE	LANE COUNTY OREGON

7. Certificate 7787 describes the authorized place of use as being in the SE ¼ SE ¼ of Section 30, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter submitted with transfer application T-10530 describes the place of use under Certificate 7787 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-10140) and the use described by certificate 7787 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

The following table lists the place of use as described in existing certificate 7787 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7787	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	SE SE	
Township 21 S, Range 1 E, Section 30		

8. Application T-10530 proposes to move the authorized point of diversion approximately 18.7 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

9. The third right to be transferred is as follows:

Certificate: 7838 in the name of CITY OF COTTAGE GROVE (perfected under Permit S-8582)

Use: MUNICIPAL USES

Priority Date: JUNE 18, 1928

Rate: 4.00 CUBIC FEET PER SECOND

Source: PRATHER CREEK, tributary to LAYNG CREEK AND ROW RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
21 S	1 E	WM	30	SE SW	None Stated

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
21 S	1 E	WM	31	NE NW	LANE COUNTY OREGON

10. Certificate 7838 describes the authorized point of diversion as being in the SE ¼ SW ¼ of Section 30, Township 21 S, Range 1 E, W.M. However, the map submitted with Transfer application S-10530, places Prather Creek farther west and the location of the point of diversion in SW ¼ SW ¼ of Section 30. This is consistent with application map S-10140 (Permit S-6822, Certificate 7787) and USGS Quadrangle mapping, leading the Department to conclude the authorized point of diversion has actually been within the SW ¼ SW ¼ Section 30, Township 21 S, Range 1E, W.M. as shown on the application map for Transfer T-10530.

The following table shows the difference between the point of diversion described in certificate 7838 and of the point of diversion based on the above findings:

Certificate	Diversion Point described in Certificate 7838 and Application Map	Location of the Point of Diversion shown on the Application map for T-10530
	¼-¼	¼-¼
7838	SE SW	SW SW
Section 30, Township 21 S, Range 1 E, W.M.		Section 30, Township 21 S, Range 1 E, W.M.

11. Certificate 7838 describes the authorized place of use as being in the NE ¼ NW ¼ of Section 31, Township 21 S, Range 1 E, Willamette Meridian, Lane County, Oregon. However, a letter submitted with transfer application T-10530 depicts the place of use under Certificate 7838 as being The City of Cottage Grove, Lane County, Oregon. This location is consistent with the description in the original application submitted by the City (S-12142) and the use described in certificate 7838 is for municipal supplies for the City of Cottage Grove, leading the Department to conclude that the land to which the right has always been appurtenant should be re-described as: THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON.

The following table lists the place of use as described in existing certificate 7838 and a proposed re-description based on the above findings:

Certificate	Original Description of Place of Use	Proposed Re-Description of Place of Use
7838	¼-¼	THE CITY OF COTTAGE GROVE, LANE COUNTY, OREGON
	NE NW	
Township 21 S, Range 1 E, Section 31		

12. Application T-10530 proposes to move the authorized point of diversion approximately 17.1 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
20 S	3 W	WM	35	NW NW	1000 FEET SOUTH AND 1050 FEET EAST FROM THE NW CORNER OF SECTION 35

13. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
14. 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 currently equipped with an appropriate fish screening and/or by-pass device.

15. The City requested fifteen years from issuance of the final order to complete the proposed change due to the need to construct expanded treatment facilities that are currently underway, but will be completed in phases over a considerable length of time.

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

16. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
17. A diversion structure, pipeline and pumps sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Application T-10530.
18. The proposed change would not result in enlargement of the rights.
19. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in point of diversion proposed in application T-10530 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 application will be approved.

If application T-10530 is approved, the final order will include the following:

1. *The change in point of diversion proposed in application T-10530 is approved.*
2. *Water right certificates 2385, 7787 and 7838 are cancelled. A new certificate will be issued in the name of the Row River Valley Water District describing that portion of the right under certificate 2385 not affected by this transfer.*
3. *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 2385, 7787, 7838 and any related decree.*
4. *The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
6. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2023. A Claim of Beneficial Use prepared by a Certified Water*

Rights 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.

8. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrd.state.or.us.

Dorothy Pedersen

From: Doug Parrow
Sent: Wednesday, February 27, 2008 8:19 AM
To: Dorothy Pedersen
Cc: Debbie Colbert
Subject: Cottage Grove

Dorothy,

If I am understanding the Cottage Grove water right situation correctly and what they are trying to accomplish, I think that we should recommend that they do a POU change for the portion of the water right that is going to the district.

The water could be used in the district under a remaining right that showed Cottage Grove as the authorized POU. However, that use of water would essentially be junior to any and all future uses. The district would have little or no protection based on priority date.

The statutory exception allowing municipal water rights to be used outside the water right footprint has two relevant elements:

1. Water can be used within areas annexed by the city without regard to the effects on other water rights (ORS 540.510(3)(a)(A)).
2. Water can be used anyplace for municipal use so long as the use does not interfere with or impair prior vested water rights (540.510(3)(a)(B)).

We have taken the position that "prior vested water rights" are any water rights in existence at the time that we are taking action to distribute water. In other words, the use likely would have to be limited to those areas described in the right if any other water right was being shorted as a result of the use. The question of whether the district's rights were senior to some of the other water rights would be immaterial.

The Division 380 rules include a method to continue the deliveries outside the footprint while eliminating impairment. When we developed the rules, we contemplated that the communities being served by the right could go into curtailment so that they were not using more water that would have been used within the footprint and, thereby, continue the expanded use. In the case of Cottage Grove, I suspect that that would not be a very likely scenario given the extent to which the city is moving to sever ties with the district.

Given that, I think that everybody's interest would be best served if the transfer includes a POU change for the district's portion of the right.

Doug



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/19/08

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: LANE
Transfer: T -10530
Water Right: 2385,7787,7838
Priority Date: 1909,1925,1928
Name: CITY OF COTTAGE GROVE, JAN WELLMAN
Address: 400 E MAIN STREET, COTTAGE GROVE OR 97424
Change: POD
Source: LAYNG CREEK/DINNER CREEK/PRATHER CREEK
Authorized POD: T21S R1E 29,30,31
Proposed POD: T20S R3W 35

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 13, 2008

JAN WELLMAN
CITY OF COTTAGE GROVE
400 E MAIN ST
COTTAGE GROVE OR 97424

Reference: Transfer 10530

On February 7, 2008 we received your water right transfer application. The application was accompanied by \$800.00. Our receipt 91396 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0890.

cc: Watermaster #2
Adam Sussman, Agent
Karen Hans, ODFW
Theodore Ressler, CWRE

enclosure

1 0530

T 10530

Indicate in this column whether or not the item is satisfied.	<u>Permanent Transfer Application – OAR 690-380 3000 & 3100</u> Completeness Checklist	
	Applicant's Name: <u>City of Cottage Grove</u> (Form last revised: January 11, 2008)	
Section A – Status of Right		
OK	Is this a Water Right that can be transferred? [OAR 690-380-0100(14)] NOTE: The Department can accept a Transfer application for any right that is: 1) an adjudication with a court decree; <i>or</i> OK 2) a certificate that is not cancelled; <i>or</i> 3) a transfer that's been approved & A COBU has been received by the Department If the subject right <u>does not</u> fall into <u>any</u> of the above categories, RETURN the application & fee to the applicant.	
Section B – Type of Change		
POD	Is the proposed change(s) allowed under the Transfer process? [ORS 540.510] NOTE: Only <u>POD, POA or POU or USE</u> changes are allowed on Transfers. If the application proposes a change <u>other</u> than those listed above, RETURN the application & fee to the applicant.	
Section C - Fees		
OK	Have the appropriate fees been paid? Fee Schedule – ORS 536.050(1)(h) \$400 - Base fee (1st change and 1st CFS of water) + \$400 - Each additional type of change requested + \$200 - Each additional water right or permit + \$200 - For each CFS, or fraction thereof, requested beyond 1st CFS (for POU, Type of Use, or Exchange) 400 400 200 Total Required Fees: <u>800</u> Total Fees Paid: <u>800 + 125 RA</u> Fees Due (if any): <u>0</u> Refund Due (if any): <u>0</u> If the applicant has NOT submitted the total fees required, RETURN the application & deficient fee to the applicant.	
Section D – Completeness		
Indicate in this column whether an item is incomplete, and if so, identify the deficiency.	Is the Transfer application complete? All required elements necessary for a complete transfer application are listed below. Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete. NOTE: For reference, the application page number upon which each item is requested is identified. If the application is NOT complete, RETURN the application & fee to the applicant.	
OK	• Type of transfer application <u>Reg / RA</u> (Page 1)	
OK	• Applicant's name, mailing address and contact information. (Page 1)	
OK	• Agent's name, mailing address and contact information, if applicable. (Page 1)	
OK	• Are the water rights to be affected by this transfer listed? <u>3</u> (Page 2) If there are multiple water rights listed..... The applicant must supply a <u>separate "set"</u> of Supplemental Form A for <u>each</u> water right to be transferred.	

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	(Page 1)
OK	• Type of change(s) proposed clear?	(Page 1)
OK	• Current Water Right information is complete?	(Page 2)
N/A	• If for a change in POU or USE..... (Page 2) Are there any “layered” irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? YES NO If YES..... the other “layered” water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). If layered with GR, must submit a GR Modification application as well as this application. Are they included in application? If not, contact applicant or agent.	
OK	• Location description of the authorized POA/POD to be changed. (Page 3) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	
OK	• Location description of the existing authorized POU and associated acres (if applicable). (Page 4) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
OK	• Location description of the proposed POA/POD. (Page 5) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), <u>or</u> _____ 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 5 of the application.	
N/A	• Location description of the proposed POU and associated acres (if applicable). (Page 6) NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
Return back to Page 2 of transfer application		
OK	• The type of changes being proposed. POD	(Page 2)
OK	• Reason for the transfer.	(Page 2)
OK	• Description of current water delivery system.	(Page 2)
OK	• System Capacity. mini rights	(Page 2)

	Checklist for Supplemental Form B – (Attachments)	
OK	• Is there a box checked in #1?	(Page 1)
OK	• Is there a box checked in #2?	(Page 1)
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	(Page 1)
OK	• In question #4 and #5 are they filled out. 2)	(Page 2)
OK	• Is there a box checked in #6? <i>other</i>	(Page 2)
	• Is the #6 supporting documentation included with application? 2)	(Page 2)
OK	• Is there an original signature of the notary and notary stamp? 2)	(Page 2)
	Return back to Page 3 of transfer application	
OK	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided.	(Page 3)
OK	• Is the applicant the Landowner of the “from” and “to” Lands? YES NO If NO..... The applicant must list current landowner name & address.	(Page 4)
OK	• Who will be responsible for completion of the changes? <i>applicant</i> Is a box checked? If no box is checked the applicant or agent must be contacted.	(Page 4)
OK	• Map..... (Required to be prepared by a CWRE) unless... 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for “from” map ___ if more than 3 rights are included in transfer, is there a separate map for each water right? ___ If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map ___ north arrow ___ size & scale ___ other: _____ ___ authorized acreage per ¼ ¼ matches the water right ___ authorized POD/POA and POU (<i>clearly shown, labeled & matches application listing</i>) ___ point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR ___ proposed POD/POA and/or POU (<i>clearly shown, labeled & matches application “proposed” listing</i>) ___ location coordinates accurately describe the point identified as the proposed POD/POA	(Page 5)
OK	• Land Use form, <i>if applicable</i> . Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in WR.	(Page 5)
	• If a groundwater right is involved, are the well logs or a description included.	(Page 5)
	• If this is an instream water right transfer, is there a form C included and filled out.	(Page 5)

	● Signature(s) of applicant(s): (Page 6) Are one of the boxes checked? <u>All</u> applicants listed on page 1 of the application <u>must</u> sign the application.
WRD Completeness Reviewer's Name: <u>S. Henderson</u> Date: <u>2-8-08</u>	



DISTRIBUTION / ROUTE SLIP

TO LOCATION: Water Resources Dept.
725 Summer St. NE, Ste A Attention: Transfer Section
From: Kelly Reid Salem, OR 97301-1271 Location: Springfield ODFW
Date sent: 31 mar 08 Response needed by: _____

☐ No Further distribution needed ☐ Further distribution needed

SPECIAL INSTRUCTIONS:

PLEASE SEND/FAX TO:

- ☐ All Employees
- ☐ All Field Stations
- ☐ All District Offices
- ☐ All Hatcheries
- ☐ All Division Employees
- ☐ All Managers
- ☐ All Wildlife Areas

ALREADY SENT/FAXED:

- ☐ Employees
- ☐ Field Stations
- ☐ District Offices
- ☐ Hatcheries
- ☐ Division Employees
- ☐ Managers
- ☐ Wildlife Areas

ADDITIONAL COMMENTS:

- ☐ Approval
- ☐ As requested
- ☐ Comment
- ☐ Confer
- ☒ For your info
- ☐ Initial & return
- ☐ Investigate
- ☐ Justify
- ☐ Necessary action
- ☐ Note and file
- ☐ Per conversation
- ☐ Please Post
- ☐ Provide Documentation
- ☐ Provide more detail
- ☐ Review & circulate
- ☐ Signature

MESSAGE:

Contact me with questions

Kelly (541) 726-3515 x29

RECEIVED

APR 01 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

PRINTED WITH
SOY INK

This card is made of
recyclable materials.



DISTRIBUTION / ROUTE SLIP

TO LOCATION: Kelly Rees Attention: _____
From: S. Mang Location: Covello
Date sent: 3-17-08 Response needed by: _____

☐ No Further distribution needed ☐ Further distribution needed

SPECIAL INSTRUCTIONS:

PLEASE SEND/FAX TO:

- ☐ All Employees
- ☐ All Field Stations
- ☐ All District Offices
- ☐ All Hatcheries
- ☐ All Division Employees
- ☐ All Managers
- ☐ All Wildlife Areas
- ☐

ALREADY SENT/FAXED:

- ☐ Employees
- ☐ Field Stations
- ☐ District Offices
- ☐ Hatcheries
- ☐ Division Employees
- ☐ Managers
- ☐ Wildlife Areas
- ☐

ADDITIONAL COMMENTS:

- ☐ Approval
- ☐ As requested
- ☐ Comment
- ☐ Confer
- ☐ For your info
- ☐ Initial & return
- ☐ Investigate
- ☐ Justify
- ☒ Necessary action
- ☐ Note and file
- ☒ Per conversation
- ☐ Please Post
- ☐ Provide Documentation
- ☐ Provide more detail
- ☐ Review & circulate
- ☐ Signature

MESSAGE:

* confirm screening then complete + send

PRINTED WITH
SOY INK



This card is made of
recyclable materials.

please return by 3-13-08

Oregon Department of Fish and Wildlife
Water Right and Diversion Transfer Comment Form
(ODFW provides to WRD so that WRD can make findings according to statutory requirements.)

Reference Transfer #: 10530

A. Please check box if you believe there is a potential for injury to an instream water right.

- ☐ The Oregon Department of Fish and Wildlife (ODFW) believes this proposed transfer may injure an instream water right(s) on

_____, tributary to _____. Because,

(Stream)

(Please attach any available supporting information.)

Note: This will prompt WRD to further evaluate and make a determination whether the transfer will injure an instream water right. (WRD is the agency that makes the determination of injury to a water right, while ODFW's role is to raise concerns and to evaluate proposed mitigation and net benefit to the resource if WRD requests concurrence with injury to an instream water right.)

B. Please check one of the following four boxes related to requiring a fish screen and/or by-pass device pursuant to ORS 540.525 or 540.532:

- ☒ 1. The new Point of Diversion (POD) requires a fish screening and/or by-pass device and is currently equipped with an appropriate fish screening and/or by-pass device.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife 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 currently equipped with an appropriate fish screening and/or by-pass device.

Condition: The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.

- ☐ 2. The new Point of Diversion (POD) requires a fish screening and/or by-pass device prior to water being diverted. The diversion may be eligible for cost share assistance under ODFW's cost share program.

Option 2 should generally be selected if listed fish species are present at the point of diversion and/or the originating water right diversion is currently screened. If Option 2 is

*Please return all 4 pages to: Transfers Section, Water Resources Department
725 Summer St. NE, Suite A, Salem, OR 97301-1271*

The electronic version of this form is available at: <http://www1.wrd.state.or.us/msword/ODFWScreen.doc>

RECEIVED

APR 1 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

selected, provide contact information on the "Fish Screening and Passage Information" sheet. The new diversion may be eligible for cost-share.

Note: This option will yield the following:

Finding of Fact: *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.*

Condition: *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.*

- ☐ 3. The new Point of Diversion (POD) requires a fish screening and/or by-pass device. However, the diversion may be used for up to two years pending a determination of whether cost share assistance under ODFW's cost share program is available.

If Option 3 is selected, provide contact information on the "Fish Screening and Passage Information" sheet. Except in extraordinary circumstances, Option 3 should NOT be checked if listed fish species are present at the point of diversion, the originating water right diversion is screened, cost-share funds are currently available, or the diversion is not eligible for ODFW's cost-share program. If extraordinary circumstances are present, please explain:

Note: This option will yield the following:

Finding of Fact: *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. Listed fish species are not present at the point of diversion, the originating water right diversion is not screened, cost-share funds are not currently available, and the proposed diversion may be eligible for ODFW's cost-share program. A grace period of two years is appropriate until such time as cost share funds become available to assist in the construction of a fish screening and/or by-pass device. If cost share funds do not become available, the water user must screen within the indicated time period regardless of the availability of cost share funding.*

Condition: *Within two years after the date of this order, 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. The water user may withdraw water at the new point of diversion without screening or by-pass devices until two years after the date of this order. 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.*

Oregon Department of Fish and Wildlife
Additional Fish Screening and Passage Information for the Applicant
(To be completed by ODFW for WRD to provide to the applicant.)

Transfer # 10530

The applicant should be aware that fish screening and passage may be required for certain changes in point of diversion if the boxes below are checked.

- ☐ Fish screening and/or fish by-pass devices are required as a condition of this transfer. The fish screen and/or by-pass device must meet ODFW's design, construction, operational and maintenance standards. Fish screening prevents fish from entering the diversion, while a by-pass device safely transports fish back to the body of water from which the fish were diverted.

n/a
Pursuant to ORS 498.306, cost share funds may be available to assist in the installation of fish screening and by-pass devices at diversions.

The applicant should contact the ODFW staff below to obtain additional information on the design, construction, operational, and maintenance standards for the required fish screening and/or by-pass device and to obtain information about ODFW's cost sharing program for screening and by-pass devices. **Prior to installation, the water user must obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria.**

ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: () _____

- ☐ This transfer may trigger requirements for fish passage under ORS 509.585 because a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned. The applicant should contact the ODFW staff below for a determination of whether native migratory fish are or were present at the applicable location, which will determine whether fish passage must be addressed.

n/a
ODFW staff name: _____

Address: _____

City/State/Zip: _____

Phone: () _____

- ☐ 4. The new Point of Diversion (POD) does not currently require a fish screen and/or by-pass device, however, the permittee may be required in the future to install, maintain, and operate fish screening and/or by-pass devices.

Note: This option will yield the following:

Finding of Fact: The Oregon Department of Fish and Wildlife has determined that a fish screening and/or by-pass device may be required in the future 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.

Condition: Within one year after receiving written notification from the Oregon Department of Fish and Wildlife (ODFW) that a fish screening and/or by-pass device is required, the water user shall install a screening and/or by-pass device, as appropriate, at the new point of diversion. The fish screening and/or by-pass device must meet ODFW's design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screening and/or by-pass device meets ODFW's criteria. Once installed the water user shall maintain and operate the fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.

Kelly Reis
Signature

Kelly Reis
Printed Name

Assistant District Fish Biologist, South Willamette Watershed District
Title

(541) 726-3515 x29
Phone

RECEIVED

APR 01 2000

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10530

Review Due Date: 3-13-08

Applicant Name: City of Cottage Grove

Proposed Changes: ☐ POU ☒ POD ☐ POA ☐ USE ☐ OTHER

Reviewer(s): Mjm

Date of Review: Mar. 27, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain: N/A
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

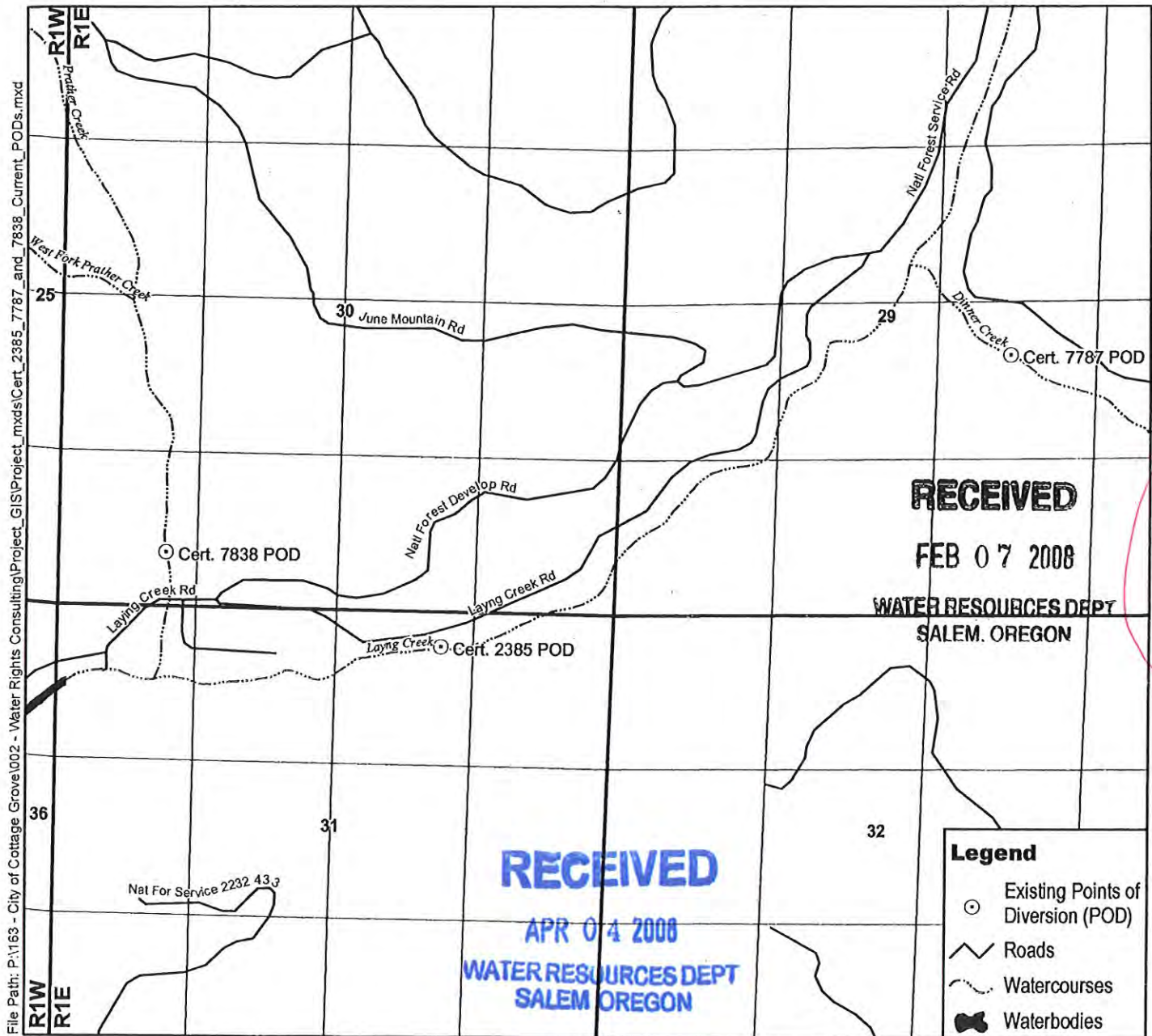
Measurement Devices	☒ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.

Application for a Water Right Transfer

Current Points of Diversion

Certificates 2385, 7787, and 7838

Township 21 South, Range 1 East (W.M.)



POD Legal Descriptions

Point of Diversion for Cert. 2385

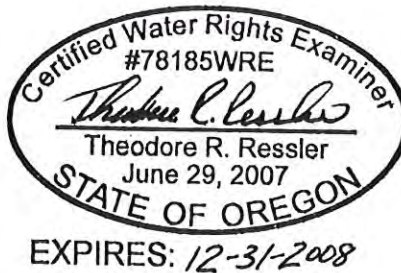
Located 313.91 feet South and 3,277.04 feet East from the NW corner of Section 31, Township 21 South, Range 1 East (W.M.)

Point of Diversion for Cert. 7787

Located 2,200 feet North and 2,070 feet West from the SE corner of Section 29, Township 21 South, Range 1 East (W.M.) (Application described as located at a bearing of N56° 44'E and a distance of 63.6 chains from the SW corner of Section 29, Township 21 South, Range 1 East (W.M.))

Point of Diversion for Cert. 7838

Located 459 feet North and 917 feet East from the SW corner of Section 30, Township 21 South, Range 1 East (W.M.) (Application described as located at a bearing of N64° 30'E and a distance of 1,170 feet from the SW corner of Section 30, Township 21 South, Range 1 East (W.M.))



EXPIRES: 12-31-2008



Scale
0 660 1,320
1 inch equals 1320 feet

Map Information

Projection: Oregon State Plane North Zone

Datum: North American Datum of 1983

Date: December 19, 2007

Prepared By: GSI Water Solutions, Inc.

Data Sources

OWRD, ESRI, Oregon Geospatial Data Clearinghouse

Note

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



T 10530

STATE OF OREGON

WATER DIVISION No. 1 COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That

CITY OF COTTAGE GROVE

ROW RIVER WATER DISTRICT

of Cottage Grove, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Lang Creek, a tributary of Row River, for the purpose of Municipal water system

under Permit No. 30 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1

at page 329, on the 20th day of July, 1919; that the priority of the right hereby confirmed dates from June 12, 1909; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.23 cubic feet per second.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: The City of Cottage Grove in Lane County, Oregon.

T-10530
5.77 cfs

point of diversion changed,
Sp. Or. Vol. 6, p. 192.

313.91 FEET SOUTH AND 3277.04 FEET EAST FROM
THE NW CORNER, SECTION 31, T21S R1E WM.

~~These rights are the right of the City of Cottage Grove, Oregon, and are not to be used for power purposes.~~

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

RECEIVED

FEB 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

(SEAL OF STATE WATER BOARD)

Witness the seal and signature of the STATE

WATER BOARD affixed this 1st day

of August, 1919.

STATE WATER BOARD

By PERCY A. CUPPER
State Engineer, President

Attest: V. W. POTTER
Secretary

T 10530

Recorded in State Record of Water Right Certificates, Volume 3

RECEIVED
Page 2305

APR 04 2008

WATER RESOURCES DEPT
SALEM OREGON

BEFORE THE STATE ENGINEER OF OREGON

LANE COUNTY

IN THE MATTER OF THE APPLICATION OF
THE CITY OF COTTAGE GROVE FOR THE
APPROVAL OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM LANG CREEK.

ORDER

APPROVING APPLICATION

On August 8, 1949, the City of Cottage Grove, Oregon, filed an application for the approval of a change in point of diversion of water from Lang Creek, sometimes called Layng Creek, pursuant to the provisions of Section 116-606, O.C.L.A.

Certificate of Water Right recorded at page 2385, Volume 3, State Record of Water Right Certificates was issued to the City of Cottage Grove, confirming a right to the use of the waters of Lang Creek, sometimes called Layng Creek, under Permit No. 30, for municipal water supply within the corporate limits of the City of Cottage Grove, with a date of priority of June 12, 1909. The water is conveyed through the city's pipeline, the point of diversion of said pipeline being located 685 feet south of the Northwest corner of Section 31, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 31, Township 21 South, Range 1 East, W.M.

The city proposes to change the present point of diversion upstream to a point to be located 313.91 feet south and 3,277.04 feet east from the northwest corner of Section 31, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 31, Township 21 South, Range 1 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely; at the County Court House in Eugene, Oregon, on the 11th day of October, 1949, at 8:00 o'clock A.M. The notice was published in The Cottage Grove Sentinel, a

newspaper printed and having general circulation in Lane County, for a period of at least three weeks, and not less than one publication each week, being the issues of August 18, 25 and September 1, 1949. The date fixed for the hearing was not less than 30 days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

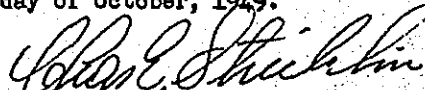
NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Lang Creek, sometimes called Layng Creek, to-wit:

From a point located 685 feet south of the northwest corner of Section 31, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 31, Township 21 South, Range 1 East, W.M.

To a point to be located 313.91 feet south and 3,277.04 feet east from the northwest corner of Section 31, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 31, Township 21 South, Range 1 East, W.M.

for municipal water supply within the corporate limits of the City of Cottage Grove, with a date of priority of June 12, 1909, be and the same hereby is approved.

Dated at Salem, Oregon, this 26th day of October, 1949.


CHAS. E. STRICKLIN
State Engineer

STATE OF OREGON

COUNTY OF **Lane**

CERTIFICATE OF WATER RIGHT

This is to Certify, That **City of Cottage Grove**of **Cottage Grove**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Dinner Creek**a tributary of **Coast Fork Willamette River** for the purpose of **Municipal supplies**under Permit No. **6822** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **April 28, 1925;**that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **4.0 cubic feet per second;**The point of diversion is located in the **NE 1/4** of Section **29**, Township **21S**, Range **1E**, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: **SE 1/4, Section 30, Township 21 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon.**

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this **28th** dayof **November**, 19**28****Rhea Luper**

State Engineer.

Recorded in State Record of Water Right Certificates, Volume **7**, page **7767**.

T-10530

No
RR

STATE OF OREGON

COUNTY OF LANE

CERTIFICATE OF WATER RIGHT

This is to Certify, That City of Cottage Grove

of Cottage Grove, State of Oregon ⁹⁷⁴²⁴, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Prather Creek
a tributary of Laying Creek and Row River for the purpose of
Municipal Supplies
under Permit No. 8582 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from June 18, 1928;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
4.0 cubic feet per second;

The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 21S, Range 1E, W. M.
The use hereunder for irrigation shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such
right is appurtenant, (if for irrigation or any other purpose), is as follows: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31,
Township 21 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon.

The right to the use of the water for any purpose is restricted to the lands or place of use
herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of
any federal power license issued in connection with this right, and after not less than two years
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
the right to take over the dams, plants and other structures and all appurtenances thereto which have
been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon
condition that before taking possession the State or municipality shall pay not to exceed the fair
value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and
dependable property of the holder of this certificate, not taken over, as may be caused by the
severance therefrom of the property taken in accordance with the provisions of section 5728,
Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 28th dayof November, 1928Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 7838

T-10530



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
☒ Permanent Transfer	☐ Instream Transfer
☐ Temporary Transfer (1 to 5 yrs.)	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

RECEIVED

FEB 07 2008

2. APPLICANT INFORMATION

WATER RESOURCES DEPT
SALEM, OREGON

Name: City of Cottage Grove Attn.: Jan Wellman, Public Works Director
First Last

Address: 400 E. Main Street

Cottage Grove OR 97424
City State Zip

Phone: _____ (541) 942-3349
Home Work Other

Fax: (541) 942-1267 E-Mail address: _____

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: GSI Water Solutions, Inc. Attn.: Adam Sussman
First Last

Address: 1600 SW Western Boulevard, Suite 240

Corvallis OR 97333
City State Zip

Phone: _____ (541) 753-0745 (541) 602-5188
Home Work Other

Fax: (541) 754-4211 E-Mail address: asussman@gsiwatersolutions.com

RECEIVED

APR 04 2008

WATER RESOURCES DEPT
SALEM OREGON

▪ If an agent is listed above, please check one of the following:

- ☒ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
- ☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

T 10530

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.		S-30	2385*
2.		S-6822	7787*
3.		S-8582	7838*
4.			
5.	* Please see Attachment 1 for water right certificates		
6.			

- Attach a **separate Supplemental Form A** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
 - ☐ Place of Use ☒ Point of Diversion (POD) ☐ Additional Point of Diversion
 - ☐ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA
 - ☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
 - ☐ Substitution of Supplemental Groundwater right for Primary Surface water right
 - ☐ Historic POD change ☐ Other
- Reason(s) for change(s): The City of Cottage Grove intends to transfer of the point of diversion for the identified municipal water rights to its Row River water treatment plant. The City will cease to use the Layng Creek water treatment plant.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

These are municipal water rights evidenced by water right certificates (2385, 7787, and 7838). Water is diverted from the creeks and delivered to the City's Layng Creek water treatment plant through two pipelines. Following treatment, water flows to the City's two storage reservoirs on Knox Hill, and gravity flows from there into the City's water distribution system for use throughout the City of Cottage Grove.
- System capacity: * cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

*These are municipal water rights evidenced by water rights certificates (2385, 7787, and 7838).

RECEIVED

FEB 07 2008

WATER RESOURCES DEPT

T 10530

Last revised: 7/27/2007

Transfer Application/2

FS

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☒ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☒ Yes ☐ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

Row River Valley Water District – PO Box 1, Dorena OR 97434

RECEIVED

APR 04 2008

WATER RESOURCES DEPT
SALEM OREGON

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

City of Cottage Grove, 400 Main Street, Cottage Grove, OR 97424

RECEIVED

FEB 07 2008

WATER RESOURCES DEPT
SALEM OREGON

T 10530

9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred?

☐ Yes ☐ No ☒ N/A – *No change in place of use is proposed*

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): _____
First Last

Address: _____
City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☐ Yes ☐ No ☒ N/A – *No change in place of use is proposed*

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____
City State Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A.

10. Other Remarks (optional)

The City is proposing to move the points of diversion for the listed water rights downstream to the existing point of diversion for the Row River Water Treatment Plant. The place of use for all three certificates will remain the City of Cottage Grove.

T 10530

RECEIVED

FEB 07 2008

11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

Map

- ☒ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☐ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☒ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- ☒ Land Use Information Form is enclosed; *or*
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
 - ④ Irrigation only.

Fees:

- ☒ Amount enclosed: \$ 800
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

RECEIVED

APR 04 2008

WATER RESOURCES DEPT
SALEM OREGON

RECEIVED

FEB 07 2008

Before submitting your application to the Department, be sure you have:

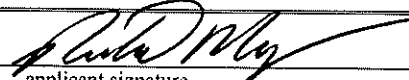
- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

- ☐ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:
- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.
- ☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
- ☒ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.
- ☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

- I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	Richard Meyers, City Manager name and title if applicable (print)	January 21, 2008 date
 applicant signature	 name and title if applicable (print)	RECEIVED date

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 7838

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) RECEIVED APR 04 2008 WATER RESOURCES DEPT SALEM OREGON	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete attach <i>Supplemental 1</i>) ☐ Domestic (indicate n households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.) RECEIVED FEB 07 2008 WATER RESOURCES DEPT SALEM OREGON

Cert
7838
—
POD

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☒ Certificated Right	7838	S-8582
	Certificate Number	Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
☐ Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: City of Cottage Grove
- County: Lane
- Authorized Use(s) to be Affected by Transfer: Municipal
- Priority Date(s): June 18, 1928

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Prather Creek

RECEIVED

FEB 07 2008

Tributary to: Laying Creek and Row River

WATER RESOURCES DEPT
SALEM, OREGON

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☐ No ☒ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers?

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

▪ Certificate Number or other identifying number: 7838

The following information **must be provided** only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Prather Creek June 18, 1928	21 S	1 E	W.M.	30	SE SW		* N 64 degrees 30 minutes E 1170 feet from the SW corner of section 30, T 21 S, R 1 E, WM.
								* According to permit application map.

- Does the water right being transferred involve a ground water source(s)?

☐ Yes ☒ No (Surface water source only.)

SE/SW Sec 30
21S, 1E WM
Actual
SW/SW Sec. 30

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A									

RECEIVED

APR 04 2008

RECEIVED

FEB 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

■ Certificate Number or other identifying number: 7838

Will the ENTIRE water right be affected by this transfer? ☒ Yes ☐ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

RECEIVED

FEB 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

T 10530

■ Certificate Number or other identifying number: 7838

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Prather Cr. (diverted from Row River)	20 S	3 W	WM	35	NW NW		1000' S and 1050' E from NW Corner of Section 35, T20S R3W W.M. ✓

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☒ N/A - No proposed wells listed above.

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

RECEIVED

FEB 07 2008

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

**WATER RESOURCES DEPT
SALEM, OREGON**

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
N/A										

RECEIVED

APR 04 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

T 10530

▪ Certificate Number or other identifying number: 7838

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
N/A							

Remarks: _____

RECEIVED

FEB 07 2008

WATER RESOURCES DEPT
SALEM, OREGON

T 10530

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 7787

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☐ Other _____ ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

Cert
7787
—
POD

RECEIVED
APR 04 2008
WATER RESOURCES DEPT
SALEM OREGON

RECEIVED
FEB 07 2008
WATER RESOURCES DEPT
SALEM OREGON