BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-9946, Linn County)	PROPOSING APPROVAL OF A
)	CHANGE IN PLACE OF USE

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

BLUE DEN RANCH, INC. CLINT BENTZ 38620 LULAY RD SCIO, OREGON 97374

Findings of Fact

- 1. On June 7, 2005, Blue Den Ranch, Inc., filed a transfer application to change the place of use under Certificate 80870. The Department assigned the application number T-9946.
- 2. The portion of the right to be transferred is as follows:

Certificate: 80870 in the name of RON BENTZ (perfected under Permit S-20010)

Use: IRRIGATION of 2.8 ACRES **Priority Date:** NOVEMBER 20, 1950

Rate: 0.03 CUBIC FOOT PER SECOND (CFS); BEING 0.015 CFS FROM EACH CREEK Limit/Duty: ONE-EIGHTIETH of one cfs per acre, not to exceed 2.5 acre-feet per acre for

each acre irrigated during the irrigation season of each year.

Sources: BILYEU AND BERMEISTER CREEKS, tributaries of THOMAS CREEK

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
10 S	1 E	WM	17	NE NW	390 FEET SOUTH AND 740 FEET WEST FROM THE N1/4 CORNER OF SECTION 17

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
10 S	1 E	WM	8	SE SW	2.8	

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. Application T-9946 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
10 S	1 E	WM	17	NW NE	1	0.5
10 S	1 E	WM	17	NE NW		2.3

- 4. Notice of the application for transfer was published on June 28, 2005, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 5. Water under the right was leased instream under L-299, during the period August 26, 2002 to September 30, 2006. No evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The proposed change in place of use in application T-9946 appears to be consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000, and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If approved, the change and subsequent use of water shall be subject to the following conditions:

- 1. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 80870 and any related decree.
- 2. Water Right Certificate 80870 is cancelled. A new certificate will be issued to describe the portion of the right not involved in this transfer.
- 3. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2008. 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.
- 4. The former place of use of the transferred water shall no longer receive water as part of this right.
- 5. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

the right transferred will be issued.	
Dated at Salem, Oregon this 27th day of Detaber	_2006.
First Phillip C. Ward, Director	

When satisfactory proof of the completed change is received, a new certificate confirming

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Salem, OR 97301-1271.

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us.