

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

In the Matter of Transfer Application            )     PRELIMINARY DETERMINATION  
T-10230, Klamath County                        )     PROPOSING APPROVAL OF A  
  )     CHANGE IN POINT OF DIVERSION  
  )     AND 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**

PEGGIE ECCLES  
810 SOPHIA LANE  
JACKSONVILLE, OREGON 97530

**Findings of Fact**

1. On August 21, 2006, Peggie Eccles filed a transfer application to change the place of use and point of diversion under Certificate 56031. The Department assigned the application number T-10230.

2. The right to be transferred is as follows:

**Certificate:** 56031 in the name of PEGGIE ECCLES (perfected under Permit S-43406)

**Use:** DOMESTIC USE FOR ONE FAMILY

**Priority Date:** JUNE 5, 1978

**Rate:** 0.005 CUBIC FOOT PER SECOND

**Source:** LAKE OF THE WOODS, tributary to SELDOM CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
37 S	5 E	WM	14	SW NW	1420 FEET SOUTH AND 210 FEET EAST FROM THE NW CORNER OF SECTION 14.

**Authorized Place of Use:**

DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	
37 S	5 E	WM	14	SW NW	Lot 8, Block B

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.

- Application T-10230 proposes to move the authorized point of diversion approximately 140 feet South to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
37 S	5 E	WM	14	SW NW	3510 FEET NORTH AND 350 FEET EAST FROM THE SW CORNER OF SECTION 14.

- Application T-10230 also proposes to change the place of use of the right to:

DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	
37 S	5 E	WM	14	SW NW	Lot 2, Block U

- Notice of the application for transfer was published on August 29, 2006 pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did comment that a fish screen was not required.
- Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A domestic system sufficient to use the full amount of water allowed under the existing right is present.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- The receiving landowners are:

JUSTINE P. AND ROBERT M. KLOEPPER  
 1122 SPRING STREET, APT. 332  
 MEDFORD, OREGON 97504

**Determination and Proposed Action**

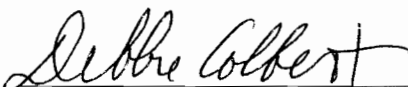
The changes in place of use and point of diversion proposed in transfer application T-10230 appear to be consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000, and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

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

- 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 56031 and any related decree.
- Water Right Certificate 56031 is cancelled.

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 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 former place of use of the transferred water shall no longer receive water as part of this right.
6. 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.
7. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued

Dated at Salem, Oregon this 23<sup>rd</sup> day of October 2006.

  
P.C.W. Phillip C. Ward, Director

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, 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@wrdd.state.or.us