



**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Type of Change	Acres	Maximum Rate (cfs)
37 S	7 W	WM	10	SW SE	POD only	0.2	0.002
37 S	7 W	WM	10	SW SE	POD & POU	0.3	0.004
37 S	7 W	WM	10	SW SE	POD, POU & USE	0.4	0.005
<b>TOTAL:</b>						<b>0.9 ac.</b>	<b>0.01 cfs</b>

3. The Department has received information that further describes the authorized point of diversion as being located at:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
37 S	7 W	WM	10	SW SE	750 FEET NORTH AND 100 FEET EAST FROM THE S1/4 CORNER OF SECTION 10

4. Application T-9141 proposes to change the character of use on 0.4 ACRE in Finding of Fact #2 from irrigation to DOMESTIC USE.
5. Application T-9141 proposes to change the place of use of 0.3 ACRE of irrigation and new DOMESTIC USE to:

Twp	Rng	Mer	Sec	Q-Q	IRRIGATION & DOMESTIC
37 S	7 W	WM	10	SW SE	0.3 ACRE & DOMESTIC USE ON TL 901

6. Application T-9141 also proposes to change the point of diversion for the 0.2 acre of irrigation at the existing place of use, the 0.3 acre at the new place of use, and the new domestic use as described above, approximately 500 feet downstream in Slate Creek to a point located:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
37 S	7 W	WM	10	SW SE	POD #4 - 196 FEET SOUTH AND 897 FEET WEST FROM THE SE 1/16 CORNER OF SECTION 10

7. Notice of the application for transfer was published on June 11, 2002, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. 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 may not currently be equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-9141.
11. Because the application proposes to change the season of domestic use from the irrigation season (April 2 to October 31 of each year) to year round, the applicant agreed to proportionally reduce the instantaneous rate for the right (from 0.005 cfs for 0.4 acre during the irrigation season) to 0.003 cfs for domestic use year round, to avoid enlargement of the right or injury to other water rights.
12. The proposed change in character of use for a portion of the right from irrigation, which is limited to an annual volume of water based on a per-acre duty of 4.5 acre-feet per acre, to a new use that is not defined by acreage could result in enlargement, if not conditioned to prevent use of more water than could have been beneficially used without waste for irrigation. Beneficial use of water for irrigation of crops on 0.4 acre has been limited to 4.5 acre-feet per acre, for a maximum total volume of 1.8 acre-feet per year.
13. The applicant and Department have agreed that the installation of two in-line flow restrictors qualifies as suitable measuring devices and may be allowed in lieu of a meter on a piped diversion. Each restrictor at each place or type of use will be allowed at a predetermined rate as specified by the Watermaster.
14. The proposed changes, if conditioned as below, would not result in enlargement of the right.
15. The proposed changes would not result in injury to other water rights.

#### **Determination and Proposed Action**

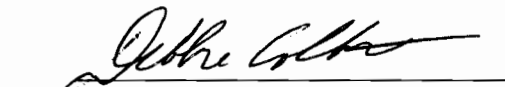
The changes in CHARACTER OF USE, PLACE OF USE and POINT OF DIVERSION proposed in application T-9141 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-9141 is approved, the final order will include the following:*

1. *The changes in CHARACTER OF USE, PLACE OF USE and POINT OF DIVERSION proposed in application T-9141 are approved.*
2. *Water right certificate 15628 is cancelled. A new certificate will be issued describing that portion of the right 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 Certificate 15628 and any related decree.*
4. *The proposed Domestic use may be allowed year round and is limited to a rate not to exceed 0.003 cfs and a total maximum duty amount of 1.8 acre-feet per year.*

5. *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.*
6. *The former place of use of the transferred right shall no longer receive water under the right.*
7. *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. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.*
8. *Prior to diverting water, the water user shall install an in-line flow restrictor for each use of water on the lands proposed under the transfer. Each restrictor at each place or type of use will be allowed at a predetermined rate as specified by the Watermaster. The flow restrictors must be installed to manufacturers specifications so the flow rate is maintained to within + or - 15%, and must be approved by the Watermaster.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this   1   day of   May   2007.

  
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Phillip C. Ward, Director

This Preliminary Determination was prepared by Ken Dowden. If you have questions about the information in this document, you may reach me at 541-278-5456 or Ken.D.Dowden@ wrd.state.or.us.