



**Authorized Place of Use:**

<b>IRRIGATION</b>						
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>GLot</b>	<b>Acres</b>
36 S	2 W	WM	15	NE SW	3	18.8
36 S	2 W	WM	15	SE SW		0.8
36 S	2 W	WM	15	NW SE	2	5.8
36 S	2 W	WM	15	SW SE		0.9

4. Application T-9968 proposes to change the place of use of the right to an area within:

<b>INDUSTRIAL</b>					
<b>Twp</b>	<b>Rng</b>	<b>Mer</b>	<b>Sec</b>	<b>Q-Q</b>	<b>GLot</b>
36S	2W	WM	15	NE SW	3
36S	2W	WM	15	SE SW	
36S	2W	WM	15	NW SE	2
36S	2W	WM	15	SW SE	

5. Application T-9968 proposes to change the character of use to year round industrial use.
6. Notice of the application for transfer was published on July 19, 2005, 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 indicated the proposed change would not injure instream water rights.
7. On April 25, 2007, the Department mailed a draft of the Preliminary Determination proposing to approve Transfer Application T-9968 to the applicant. The draft Preliminary Determination set forth a deadline of May 31, 2007, for the applicant to respond. The applicant's agent requested additional time to respond, which the Department granted.
8. On July 10, 2007, David Hoiland, authorized representative for Robert Mace, responded to the draft Preliminary Determination by mail, requesting a change in season of use from the irrigation season to year round use, while maintaining the ability to divert water at the same rate allowed in the original right on a non-continuous basis. The applicant proposes to limit the annual volume to the maximum allowed under the original water right by using the existing in-line flow meter to monitor and record water use. Mr. Hoiland requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. 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.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.

11. The proposed changes, including change of the season to year round, would not result in enlargement of the right, as long as the diversion rate for the new use does not exceed the authorized maximum instantaneous diversion rate on a non-continuous basis, and does not exceed the duty allowed for the original use, being 118.35 acre-feet per year.
12. The proposed changes would not result in injury to other water rights.

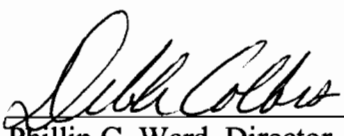
### **Determination and Proposed Action**

The proposed changes in character of use and place of use in application T-9968 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 application T-9968 is approved, the final order will include the following:*

1. *The changes in character of use and place of use proposed in application T-9968 are approved.*
2. *Water right Certificate 82241 is cancelled.*
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 82241 and any related decree, with the exception that the season of use will be extended to year round.*
4. *The quantity of water diverted at the point of diversion may occur year-round at a rate not to exceed 0.33 cfs on a non-continuous basis and shall be further limited to a total volume of water diverted not to exceed 118.35 acre feet per year.*
5. *The water user shall maintain and operate the existing measurement device for measuring and recording the quantity of water diverted, and shall make such improvements as may be required by the Department.*
6. *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.*
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 27<sup>th</sup> day of July 2007.

  
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@wrд.state.or.us](mailto:Dorothy.I.Pedersen@wrд.state.or.us).

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