

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

In the Matter of Transfer Application                    )     **PRELIMINARY DETERMINATION**  
T-10301, Polk, Yamhill County                         )     **PROPOSING APPROVAL OF A**  
  )     **CHANGE IN PLACE OF USE**

**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**

CONFEDERATED TRIBES OF  
THE GRAND RONDE COMMUNITY  
9615 GRAND RONDE RD  
GRAND RONDE OR 97347-9712

**Agent**

ERIC SCOTT  
9615 GRAND RONDE RD  
GRAND RONDE OR 97347-9712

**Findings of Fact**

**Background**

1. On January 29, 2007, Eric Scott filed an application on behalf of the Confederated Tribes of The Grand Ronde Community to change the place of use under Certificate 30833. The Department assigned the application number T-10301.

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

**Certificate:** 30833 in the name of LESTER MAHURIN (perfected under Permit S-26036)

**Use:** IRRIGATION of 7.24 ACRES

**Priority Date:** MARCH 9, 1959

**Rate:** 0.09 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** SOUTH YAMHILL RIVER, tributary to YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
6 S	8 W	WM	1	SW SW	NONE SPECIFIED ON CERTIFICATE

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.

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	8 W	WM	1	SW SW	4.42
6 S	8 W	WM	1	SE SW	2.82

3. Application T-10301 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	8 W	W.M.	1	SE SW	3.31
6 S	8 W	W.M.	1	NE SW	3.60
6 S	8 W	W.M.	1	NW SW	0.33

4. Notice of the application for transfer was published on February 6, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice, however the Oregon Department of Fish and Wildlife did indicate that no change to fish screening or bypass devices is currently needed at the point of diversion.
5. The transfer application did not include a map meeting current mapping standards, or the standards which were in effect at the time the application was filed, being OAR 690-380-3100.
6. On June 6, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10301 to the applicants. The cover letter accompanying the draft Preliminary Determination requested submittal of a revised map, documentation and use and a report of ownership and lien information. On June 19, 2007 the applicants submitted a revised map meeting current mapping standards, and on July 18, 2007 they submitted documentation of use. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary land ownership information to demonstrate that the applicant is authorized to pursue the transfer.

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

7. Water has been used within the last five years according to the terms and conditions of the right, as modified by temporary transfer T-8801, (Special Order Volume 55, Pages 721-723), and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A diversion structure and ditch 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-10301.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

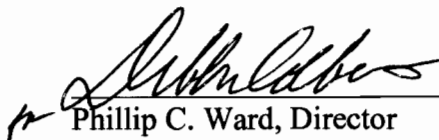
## Determination and Proposed Action

The change in place of use proposed in application T-10301 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-10301 is approved, the final order will include the following:*

- 1. The change in place of use proposed in application T-10301 is approved.*
- 2. Water right certificate 30833 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 30833 and any related decree.*
- 4. The former place of use of the transferred right shall no longer receive water under the right.*
- 5. Prior to diverting water, the water user shall install 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 measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
- 6. The approved change 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 17<sup>th</sup> day of August, 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@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.