

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

In the Matter of Transfer Application) **PRELIMINARY DETERMINATION**
T-10382, Crook County) **PROPOSING APPROVAL OF A**
) **CHANGE IN POINT OF**
) **APPROPRIATION**

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

HUTTIG BUILDING PRODUCTS, INC.
ATTN: DENNIS DUBITSKY
555 MARYVILLE UNIVERSITY DR.
ST. LOUIS, MO 63141

Findings of Fact

Background

1. On May 7, 2007, HUTTIG BUILDING PRODUCTS, INC. filed an application to change the point of appropriation under Certificate 23534. The Department assigned the application number T-10382.

2. The right to be transferred is as follows:

Certificate: 23534 in the name of ALEXANDER-STEWART LUMBER CO. (perfected under Permit G-54)

Use: STEAM GENERATION, FIRE PROTECTION AND DRINKING WATER IN SAWMILL

Priority Date: OCTOBER 6, 1955

Rate: 0.5 CUBIC FOOT PER SECOND (cfs)

Source: A-S NO. 2 WELL in the MCKAY CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q
14 S	16 E	WM	29	SW SW

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:

Twp	Rng	Mer	Sec	Q-Q
14 S	16 E	WM	32	NW NW

3. Application T-10382 and the application map more closely define the location of the authorized well as being 114.7 feet North and 442.4 feet East of the NW Corner of Section 32, Township 14 South, Range 16 East, W.M.
4. Application T-10382 proposes to move the authorized point of appropriation approximately 0.2 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Survey Coordinates
14 S	16 E	WM	32	NW NW	141632302	518.3 FEET SOUTH AND 1157.2 FEET EAST FROM THE NW CORNER OF SECTION 32

5. Notice of the application for transfer was published on May 22, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On September 10, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10382 to the applicant. The draft Preliminary Determination set forth a deadline of October 10, 2007, for the applicant to respond. On September 28, 2007, the applicant requested that the Department proceed with issuance of a Preliminary Determination with a minor clerical correction, and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Transfer Review Criteria (OAR 690-380-4010)

7. 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.
8. A pump and 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-10382.
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 changes in point of appropriation proposed in application T-10382 appears to be consistent with the requirements of ORS 537.705 and 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-10382 is approved, the final order will include the following:

1. *The change in point of appropriation proposed in application T-10382 is approved*

2. *Water right certificate 23534 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 23534 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
6. *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.*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. 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.*
8. *When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 5 day of October 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.