

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

In the Matter of Transfer Application)
T-6847, Douglas County)
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)
)

PRELIMINARY DETERMINATION
PROPOSING APPROVAL OF A
CHANGE IN PLACE OF USE AND
CHANGES IN CHARACTER 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

ROSEBURG COUNTRY CLUB
ATTN – BARRY ADAMS
5051 NW GARDEN VALLEY RD.
ROSEBURG, OREGON 97470

Findings of Fact

Background

1. On November 2, 1992, Roseburg Country Club filed an application to change the place of use under Certificate 8887. The Department assigned the application number T-6847.
2. On September 9, 2002 and October 3, 2007, the Department received revised maps and supplements to the application that clarified the proposed place of use and the character of use changes.

3. The right to be transferred is as follows:

Certificate: 8887 in the name of ROSEBURG COUNTRY CLUB (perfected under Permit S-7665)

Use: IRRIGATION of 56.5 ACRES AND DOMESTIC USE

Priority Date: NOVEMBER 10, 1926

Rate: 0.68 CUBIC FOOT PER SECOND (cfs)

Limit/Duty: ONE-EIGHTIETH cfs per acre, or its equivalent in case of rotation

Source: NORTH UMPQUA RIVER, tributary to the UMPQUA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	33	NE NE

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 AND DOMESTIC					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	6 W	WM	33	NE NE	6.0
26 S	6 W	WM	33	SE NE	10.5
26 S	6 W	WM	34	NE NW	4.0
26 S	6 W	WM	34	NW NW	18.0
26 S	6 W	WM	34	SW NW	14.0
26 S	6 W	WM	34	SE NW	4.0

4. Certificate 8887 does not describe the survey coordinates of the point of diversion, however information is available from the Certified Water Rights Examiner and the applicant indicating that the point of diversion is located as follows:

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
26 S	6 W	WM	33	NE NE	54	400 FEET SOUTH AND 2770 FEET WEST FROM THE N1/4 CORNER OF SECTION 34

5. Certificate 8887 does not describe the authorized location for the domestic use, however information is available from the Certified Water Rights Examiner and the applicant indicating that the place of use for the domestic portion of Certificate 8887 is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
26 S	6 W	WM	33	NE NE	54

6. Transfer Application T-6847 proposes two changes in character of use. The first proposal is to change 0.8 acre of irrigation to pond maintenance. The second request is to change the character of use from domestic to commercial.

7. Transfer Application T-6847 proposes to change the place of use of the right to:

COMMERCIAL USES				
Twp	Rng	Mer	Sec	Q-Q
26 S	6 W	WM	34	NE SW

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
26 S	6 W	WM	33	NE NE		54	7.5
26 S	6 W	WM	33	SE NE		54	4.0
26 S	6 W	WM	34	NE NW	3		8.4
26 S	6 W	WM	34	NW NW		54	4.8
26 S	6 W	WM	34	NW NW	2		3.7
26 S	6 W	WM	34	SW NW	4		8.6
26 S	6 W	WM	34	SW NW		54	7.5
26 S	6 W	WM	34	SE NW			11.2

POND MAINTENANCE					
Twp	Rng	Mer	Sec	Q-Q	DLC
26 S	6 W	WM	33	SE NE	54
26 S	6 W	WM	34	SW NW	54

8. Certificate 8887 does not identify an instantaneous rate to be associated with the domestic portion of the certificate. The Department has determined that the amount of water that could have been beneficially used for the domestic portion of the certificate is approximately 0.01 cfs.
9. The rate associated with 0.8 acre of irrigation under Certificate 8887 proposed to be changed to pond maintenance is approximately 0.01 cfs during the period March – October of each year.
10. The applicant has agreed to limit the commercial use of water to 0.01 cfs and include this quantity of water in the total quantity of water used under the right. These limitations are sufficient to ensure that the right is not enlarged. This is clarified in the following table:

Previous Use	Rate (cfs) transferred	New Use
Domestic	0.01 (included in rate allocated to IR)	Commercial
IR of 0.8 acres	0.01	Pond Maintenance
IR of 56.5 acres	0.67	N/A
Total cfs diverted	0.68	

11. Notice of the application for transfer was published on November 18, 1992, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
12. On October 18, 2007, the Department mailed a copy of the *draft* Preliminary Determination proposing to approve Transfer Application T-6847 to the applicant. The cover letter that accompanied the *draft* Preliminary Determination set forth a deadline of November 19, 2007, for the applicant to respond with comments. On October 21, 2007, the authorized agent requested that the Department proceed with issuance of a Preliminary Determination.

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

13. Water was used within the five-year period prior to submittal of Transfer Application T-6847 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.
14. A pump and pipeline 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 Transfer Application T-6847.
15. The proposed changes, as conditioned and outlined in Finding of Fact No. 10, would not result in enlargement of the right.
16. The proposed changes would not result in injury to other water rights.

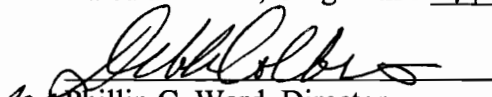
Determination and Proposed Action

The changes in place of use and character of use proposed in Transfer Application T-6847 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-6847 is approved, the final order will include the following:

- 1. The changes in place of use and character of use proposed in Transfer Application T-6847 are approved.*
- 2. Water right certificate 8887 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 8887 and any related decree.*
- 4. Water shall no longer be used for domestic purposes.*
- 5. When required by the Department, the water user shall install, maintain and operate 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.*
- 6. 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.*
- 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 14th day of November, 2007.


Phillip C. Ward, Director

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

This Preliminary Determination was prepared by Susan Douthit. If you have questions about the information in this document, you may reach me at 503-986-0858 or Susan.M.Douthit@ wrd.state.or.us.