



**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q
7 N	8 W	WM	30	SE SW
7 N	8 W	WM	31	NE NW

3. Application T-10403 proposes to move the authorized point of diversion approximately 150 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 N	8 W	WM	31	NW NE	46.05130 DEGREES NORTH, 123.72596 DEGREES WEST

4. The second right to be transferred is as follows:

**Certificate:** 63301 in the name of CLATSOP COUNTY ECONOMIC DEVELOPMENT COMMITTEE FISHERIES PROJECT (perfected under Permit S-46895)

**Use:** MAINTAINING THE RESERVOIR CONSTRUCTED UNDER PERMIT R-8108 FOR AQUACULTURE

**Priority Date:** OCTOBER 21, 1981

**Rate:** 5.0 CUBIC FEET PER SECOND

**Season of Use:** JUNE 1 THROUGH JULY 31 AND OCTOBER 1 THROUGH DECEMBER 31

**Source:** SOUTH FORK KLASKANINE RIVER, tributary to the KLASKANINE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 N	8 W	WM	31	NW NE	850 FEET SOUTH AND 150 FEET EAST FROM THE N1/4 CORNER OF SECTION 31

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q
7 N	8 W	WM	30	SE SW
7 N	8 W	WM	31	NE NW

5. Application T-10403 proposes to move the authorized point of diversion approximately 150 feet upstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
7 N	8 W	WM	31	NW NE	46.05130 DEGREES NORTH; 123.72596 DEGREES WEST

6. Notice of the application for transfer was published on June 12, 2007, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

7. 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 is currently equipped with an appropriate fish screening and/or by-pass device.

8. On August 6, 2007, the Clatsop County Assessor's office was contacted to clarify current ownership of the lands involved in Transfer T-10403. The Assessor's office confirmed that Weyerhaeuser Corporation is the current owner of record for Tax Lot 4900 in the SE ¼ SW ¼ of Section 30 and the NE ¼ NW ¼ of Section 31, T 7 N, R 8 W, W.M., as well as the existing and proposed points of diversion (Tax Lot 3100 in the NW ¼ NE ¼ of Section 31, T 7 N, R 8 W, W.M.) for Certificates 63289 and 63301. The place of use is in Tax Lot 700, owned by Clatsop County.
9. On October 24, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10403 to the applicant. The draft Preliminary Determination set forth a deadline of November 30, 2007, for the applicant to respond. The applicant 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.

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

10. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Application T-10403.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

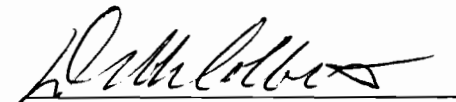
The change in point of diversion proposed in application T-10403 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10403 is approved, the final order will include the following:*

1. *The change in point of diversion proposed in application T-10403 is approved.*
2. *Water right certificates 63289 and 63301 are 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 Certificates 63289 and 63301, and any related decree.*
4. *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.*

5. *The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.*
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. *Prior to diverting water, the water user shall install a headgate to control and regulate the quantity of water diverted. The type and plans of the headgate 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 the headgate as required by the Department.*
8. *The approved change 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 change and full beneficial use of the water.*
9. *When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 10<sup>th</sup> day of January 2008.

  
Phillip C. Ward, Director  
P.C.

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.