



each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-5777; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and further limited to the use of stored water on the lands described as supplemental.

**Sources:** Scoggins Creek and reservoir (constructed under Permit R-5777), Gales Creek, and the Tualatin River.

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	SW SW	SPRINGHILL PUMP PLANT: 600 FEET NORTH AND 400 FEET EAST FROM THE SW CORNER OF SECTION 8

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 W	WM	14	SE NE	WATER BOX RE-DIVERSION: 790 FEET NORTH AND 350 FEET WEST FROM THE E1/4 CORNER OF SECTION 14

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	3 W	WM	13	SW NW	1.2
1 N	3 W	WM	13	NW SW	6.8
1 N	3 W	WM	14	SE NE	2.6
1 N	3 W	WM	14	NE SE	9.4
Total					20.0

4. Application T-10729 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	3 W	WM	13	NW SW	5.0
1 N	3 W	WM	14	NE SE	15.0
Total					20.0

5. Notice of the application for transfer was published on December 2, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
6. On April 5, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10729 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of May 3, 2010, 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.

7. Transfer Application T-10729 proposes to temporarily transfer a water right in the name of the Bureau of Reclamation (BOR). The BOR was sent notification of the proposed transfer on April 5, 2010.

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

8. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler 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-10729.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water right.

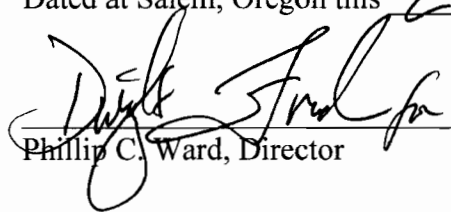
**Determination and Proposed Action**

The change in place of use proposed in Transfer Application T-10729 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 transfer application will be approved.

*If Transfer Application T-10729 is approved, the final order will include the following:*

1. *The change in place of use proposed in Transfer Application T-10729 is approved.*
2. *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 the perfected portion of Permit S-35792 and any related decree.*
3. *Special Order Volume 67, Pages 627-662 (Satisfactory Proof of Permit S-35792) is modified.*
4. *The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.*
5. *The former place of use of the transferred right shall no longer receive water under the right.*
6. *The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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.*

Dated at Salem, Oregon this 26 day of May 2010.

  
Phillip C. Ward, Director

This Preliminary Determination was prepared by Kara Morris. If you have questions about the information in this document, you may reach me at 503-986-0898 or Kara.B.Morris@ wrd.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.