# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10229, Marion County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN CHARACTER OF USE

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

BELL NORTHSIDE, LLC C/O CRAIG BELL, PRESIDENT 3461 WACONDA ROAD GERVAIS, OREGON 97026

## Findings of Fact

- 1. On August 17, 2006, Bell Northside, LLC filed an application to transfer the character of use under Certificate 81896. The Department assigned the application number T-10229.
- The portion of the right to be transferred is as follows:

Certificate:

81896 in the name of Bell Northside, LLC (perfected under Permit G-12141)

Use:

Agricultural Use

Priority Date: August 26, 1993

0.11 cubic foot per second (cfs)

Source:

Well 2 within the Willamette River Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates	
6 S	3 W	WM	1	SE SE	61	730 FEET SOUTH AND 360 FEET WEST FROM NE CORNER, SILAS JONES DLC 61	

#### Authorized Place of Use:

	Twp	Rng	Mer	Sec	Q-Q	DLC
Ì	6 S	3 W	WM	1	NE SE	61
	6 S	3 W	WM	1	SE SE	61

3. Application T-10229 proposes to change the character of use to industrial use.

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.

- 4. Notice of the application for transfer was published on August 22, 2006, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
- 5. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 6. A pump, pipeline, and distribution system sufficient to use the full amount of water allowed under the existing right is present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

#### **Determination and Proposed Action**

The change in character of use proposed in application T-10229 appears to be consistent with the requirements of ORS 537.705, 540.505 to 540.580, and OAR 690-380-5000, and will be approved provided that protests are not filed pursuant to OAR 690-380-4030.

If T-10229 is approved, the final order will include the following:

- 1. The right to 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 81896 and any related decree.
- 2. Water right Certificate 81896 is cancelled. A new certificate will be issued to describe the portion of the right not affected by the transfer.
- 3. 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.
- 4. When satisfactory proof of the completed change is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this

day of January 2007.

Phillip C. Ward, Director

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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@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 97301-1271.