



**Authorized Point of Diversion (POD):**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
30 S	5 W	WM	19	SE NE	43	675 FEET NORTH AND 40 FEET WEST FROM E1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
30 S	5 W	WM	19	SE NE	43	0.6

LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	DLC
30 S	5 W	WM	19	SE NE	43

3. The second portion of the right being affected is as follows:

**Certificate:** 55393 in the name of ARTHUR H LEVASSEUR, JR (perfected under Permit S-42288)

**Use:** IRRIGATION of 1.2 ACRES, and STOCK

**Priority Date:** JUNE 27, 1977

**Rate:** 0.015 CUBIC FOOT PER SECOND FOR IRRIGATION & 0.002 CFS FOR STOCK

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year FOR IRRIGATION

**Source:** SOUTH UMPQUA RIVER, tributary to UMPQUA RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
30 S	5 W	WM	19	SE NE	43	675 FEET NORTH AND 40 FEET WEST FROM E1/4 CORNER OF SECTION 19

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
30 S	5 W	WM	19	SE NE	43	1.2

LIVESTOCK					
Twp	Rng	Mer	Sec	Q-Q	DLC
30 S	5 W	WM	19	SE NE	43

4. Application T-10214 proposes to add two Points of Diversion, both of which are less than ¼ mile downstream. The PODs would be located at:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
30 S	5 W	WM	19	SE NE	43	POD 2: 580 FEET NORTH AND 5 FEET WEST FROM E1/4 CORNER OF SECTION 19
30 S	5 W	WM	19	SE NE	43	POD 3: 520 FEET NORTH AND 25 FEET WEST FROM E1/4 CORNER OF SECTION 19

5. There is an intervening point of diversion between the original POD and the proposed additional PODs.

6. Application T-10214 proposes that the lands described below would be served by PODs described below:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	POD	Comments
30 S	5 W	WM	19	SE NE	43	0.6	1 & 2	Hendrick: POD #1 is the existing POD. POD #2 is proposed to be added.
30 S	5 W	WM	19	SE NE	43	1.2	1 & 3	Levasseur: POD #1 is the existing POD. POD #3 is proposed to be added.

7. Notice of the application for transfer was published on July 25, 2006, pursuant to OAR 690-380-4000. The Oregon Department of Fish and Wildlife indicated that the new PODs could impact the spawning gravels used by Fall Chinook in October.
8. The Oregon Department of Fish and Wildlife (ODFW) has determined that fish screens and/or by-pass devices are necessary at the new points 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 not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

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

9. 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.
10. 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 Application T-10214.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

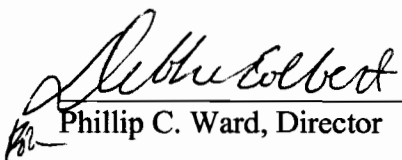
The changes in additional points of diversion proposed in application T-10214 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

*If application T-10214 is approved, the final order will include the following:*

1. *The changes of additional points of diversion proposed in application T-10214 are approved.*
2. *Water right certificate 55393 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*

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 55393 and any related decree.*
4. *The quantity of water diverted at the additional points of diversion, together with that diverted at the original point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *Prior to diverting water at the new points of diversion, the water user shall install fish screens and/or by-pass devices, as appropriate, at the new points of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screens and/or by-pass devices, as appropriate, at the points of diversion consistent with ODFW's operational and maintenance standards.*
6. *When required by the Department, the water user shall install, maintain and operate in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
7. *When required by the Department, the water user shall install, maintain and operate headgates to control and regulate the quantity of water diverted. The type and plans of the headgates must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*
8. *The approved changes 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.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 31<sup>st</sup> day of May 2007.

  
Phillip C. Ward, Director

This Preliminary Determination was prepared by Bob Rice. If you have questions about the information in this document, you may reach me at 503-986-0885 or [Robert.D.Rice@wrд.state.or.us](mailto:Robert.D.Rice@wrд.state.or.us).

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