

5. On April 12, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14079 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 16, 2024, and in the Albany Democrat-Herald newspaper on April 23 and 30, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

6. The right to be transferred is as follows:

Certificate: 90030 in the name of CITY OF HARRISBURG (perfected under Permit G-3125)
Use: MUNICIPAL USE
Priority Date: DECEMBER 17, 1965
Rate: 0.74 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF APPROPRIATION:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	4 W	WM	16	NE NE	SOUTH 52 DEGREES WEST 1000 FEET FROM THE NE CORNER OF SECTION 16

Source: WELL NO. 5 in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
15 S	4 W	WM	16	NW SE	SOUTH 24 DEGREES WEST 3438 FEET FROM THE NE CORNER OF SECTION 16

Authorized Place of Use:

MUNICIPAL USE				
Twtp	Rng	Mer	Sec	Q-Q
15 S	4 W	WM	9	SE SE
15 S	4 W	WM	10	SW 1/4
15 S	4 W	WM	15	NW 1/4
15 S	4 W	WM	16	E 1/2 NE 1/4

7. Transfer Application T-14079 proposes additional points of appropriation with approximate distances as described below:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from the Authorized Well in Miles (Mi.)
15 S	4 W	WM	4	NE SW	WELL 9 – 68 FEET NORTH AND 2563 FEET EAST FROM THE SW CORNER OF SECTION 4	1.2 mi
15 S	4 W	WM	9	NW NE	WELL 8 (LINN 57656) - 156 FEET SOUTH AND 2496 FEET WEST FROM THE NE CORNER OF SECTION 9	1.0 mi

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(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 water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14079.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of appropriation develops groundwater, as conditioned, from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed change, as conditioned, would not result in enlargement of the right.
13. The proposed change, as conditioned, would not result in injury to other existing water right.
14. All other application requirements are met.

Conclusions of Law

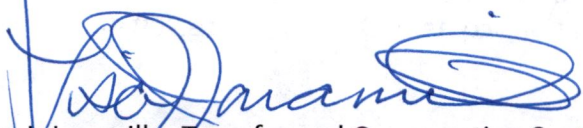
The additional points of appropriation proposed in Transfer Application T-14079 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-14079 are 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 Certificate 90030 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation.
4. Water right Certificate 90030 is cancelled.
5. The quantity of water diverted at the new additional points of appropriation (Wells 8 and 9), together with that diverted at the original point of appropriation (Well #5), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #5).

6. To ensure production from the same aquifer source, the proposed well (Well 9) shall be constructed to produce only from similar depths as nearby LINN 57656, with a seal depth of 189 feet below land surface.
7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
8. To avoid a significant increase in interference to nearby surface water, the construction of the proposed Well 9 shall include continuous casing and continuous seal to a depth no less than that within authorized POA well LINN 57656 (189 feet below land surface).
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2029**. A Claim of Beneficial Use prepared by a Certified Water Right 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.
11. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **MAY 29 2024**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date: **MAY 30 2024**