

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)
T-9611, Multnomah County) **FINAL ORDER**
)

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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

Reed Institute (Reed College)
Townsend Angell
3205 SE Woodstock Boulevard
Portland, Oregon 97202-8199

Findings of Fact

1. Reed Institute filed an application to transfer the point of diversion of Certificates 80959, 80960, and 80962 and place of use of a portion of Certificate 80959. The Department assigned the application number T-9611.

2. The rights to be transferred are as follows:
Certificate: 80959 in the name of The Reed Institute
Use: Irrigation
Priority Date: August 13, 1965
Quantity: 0.254 cubic foot per second
Rate/Duty: 1/124 cfs per acre, not to exceed 1.9 acre-feet per acre
Acres: 31.5
Source: Crystal Springs Creek and Reed Reservoir constructed under Permit R-4658, tributary to Johnson Creek

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

Authorized Points of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
1	S	1	E	W.M.	13	NE	SW			South Diversion (Reed Reservoir) – 10 feet South and 1390 feet West from the NE Corner of Llewellyn DLC 49.
1	S	1	E	W.M.	13	NE	SW			North Diversion (Reed Reservoir) – 290 feet North and 1580 feet West from the NE Corner of Llewellyn DLC 49.

Authorized Place of Use:

Change in point of diversion and place of use

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	S	1	E	W.M.	13	NW	SE		49	0.40

Change in point of diversion only

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	S	1	E	W.M.	13	NE	SW		49	14.70
1	S	1	E	W.M.	13	NE	SW		56	0.50
1	S	1	E	W.M.	13	NW	SW		49	0.08
1	S	1	E	W.M.	13	NW	SW		56	0.02
1	S	1	E	W.M.	13	SE	SW		49	2.50
1	S	1	E	W.M.	13	NW	SE		49	11.60
1	S	1	E	W.M.	13	SW	SE		49	1.70

Certificate: 80960 in the name of The Reed Institute
Use: Irrigation
Priority Date: August 13, 1965
Quantity: 0.046 cubic foot per second
Rate/Duty: 1/124 cfs per acre, not to exceed 1.9 acre-feet per acre
Acres: 5.7
Source: Crystal Springs Creek and Reed Reservoir constructed under Permit R-4658, tributary to Johnson Creek

Authorized Points of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
1	S	1	E	W.M.	13	NE	SW			South Diversion (Reed Reservoir) – 10 feet South and 1390 feet West from the NE Corner of Llewellyn DLC 49.

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
1	S	1	E	W.M.	13	NE	SW			North Diversion (Reed Reservoir) – 290 feet North and 1580 feet West from the NE Corner of Llewellyn DLC 49.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	S	1	E	W.M.	13	NE	SW		56	3.40
1	S	1	E	W.M.	13	NE	SE	1		0.01
1	S	1	E	W.M.	13	NW	SE		56	0.90
1	S	1	E	W.M.	13	NW	SE		49	0.70
1	S	1	E	W.M.	13	NW	SE	2		0.60
1	S	1	E	W.M.	13	NW	SE	3		0.09

Certificate: 80962 in the name of The Reed Institute
Use: Irrigation
Priority Date: September 1, 1967
Quantity: 0.16 cubic foot per second
Rate/Duty: 1/80 cfs per acre, not to exceed 2.5 acre-feet per acre
Acres: 12.8
Source: Crystal Springs Creek, tributary to Johnson Creek
Authorized Points of Diversion:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
1	S	1	E	W.M.	13	NE	SW			North Diversion (Reed Reservoir) – 290 feet North and 1580 feet West from the NE Corner of Llewellyn DLC 49.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	S	1	E	W.M.	13	SW	NE		56	1.40
1	S	1	E	W.M.	13	SE	NW		56	11.40

3. Application T-9611 proposes to move the authorized point of diversion approximately 500 feet in the source to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Survey Coordinates
1	S	1	E	W.M.	13	NE	SW			220 feet North and 1600 feet West from the NE Corner of DLC 49.

4. Application T-9611 proposes to change the place of use of 0.4 acres of Certificate 80959 to:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
1	S	1	E	W.M.	13	NE	SE	1		0.34
1	S	1	E	W.M.	13	NW	SE	1		0.06

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
6. 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.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed changes would not result in enlargement of the rights.
9. The proposed changes would not result in injury to other water rights.

Conclusions of Law

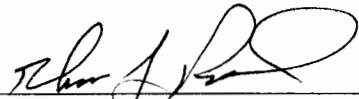
The proposed changes in point of diversion and place of use in application T-9611 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of diversion and place of use proposed in application T-9611 are approved.
2. Water right certificates 80959, 80960, and 80962 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 80959, 80960, and 80962 and any related decree.
4. The proposed changes shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
7. The former place of use of the 0.4 acres under Certificate 80959 shall no longer be irrigated as part of that water right.

8. Prior to diverting water, the water user shall install and maintain a headgate, 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 headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 10th day of FEBRUARY, 2005.



For Phillip C. Ward
Director

Mailing Date: FEB 14 2005