

STATE OF OREGON

COUNTY OF WASHINGTON

ORDER APPROVING A CHANGE IN PLACE OF USE,  
A CHANGE IN POINT OF DIVERSION,  
AND PARTIAL CANCELLATION OF WATER RIGHTS

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8899 submitted by

WEST LINN - WILSONVILLE SCHOOL DISTRICT  
DIRECTOR OF OPERATIONS  
P.O. BOX 35  
WEST LINN, OREGON 97068

The right to be modified, as evidenced by a PORTION of Certificate 20295, was perfected under Permit 20287 with a date of priority of APRIL 17, 1951. The right allows the use of the TUALATIN RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 11.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.14 CUBIC FOOT PER SECOND, if available at the authorized point of diversion: SW $\frac{1}{4}$  SW $\frac{1}{4}$ , AS PROJECTED WITHIN SOLOMAN EMERICK DLC 46, SECTION 3, T 1 S, R 3 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a 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.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NE¼ SE¼ 0.4 ACRE  
NW¼ SE¼ 2.4 ACRES  
SW¼ SE¼ 8.5 ACRES  
ALL AS PROJECTED WITHIN S. EMERICK DLC 46  
SECTION 4

TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to change the place of use to:

NE¼ SE¼ 2.4 ACRES  
SE¼ SE¼ 8.9 ACRES  
SECTION 20

TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M.

The applicant proposes to change the point of diversion to:

NE¼ SE¼, SECTION 20, T 2 S, R 1 E, W.M.; 3100 FEET  
SOUTH AND 800 FEET WEST FROM THE NE CORNER OF SECTION 20.

An affidavit was received from West Linn - Wilsonville School District, owner of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and is requested to be cancelled.

The portion is described by Certificate 23523, State Record of Water Right Certificates. The date of priority is February 9, 1953. The water use was for irrigation of 11.3 acres from the Tualatin River, a tributary of the Willamette River. The amount used was 0.14 cubic foot per second.

The abandoned portion is located as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  2.4 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  8.9 ACRES  
SECTION 20

TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M.

An affidavit was received from Martin D. Crunican and William J. Crunican, owners of certain land and the water right appurtenant to it. A portion of the water right has been abandoned and is requested to be cancelled.

The portion is described by Certificate 40845, State Record of Water Right Certificates. The date of priority is February 3, 1967. The water use was for supplemental irrigation of 11.3 acres from an unnamed lake, a tributary of the Tualatin River. The amount used was 0.14 cubic foot per second.

The abandoned portion is located as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  0.4 ACRE  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  2.4 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  8.5 ACRES  
ALL AS PROJECTED WITHIN EMERICK DLC 46  
SECTION 3

TOWNSHIP 1 SOUTH, RANGE 3 WEST, W.M.

ORS 540.610 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order cancelling the water right."

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

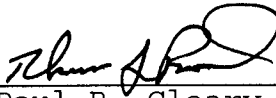
1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. The water 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.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.
6. The water user shall install and maintain a fish screen or fish by-pass device. 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 Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Those portions of Certificates 23523 and 40845 requested to be cancelled are cancelled.

Certificates 20295, 23523, and 40845 are cancelled. New certificates will be issued to confirm those portions of these rights NOT involved in the partial cancellations and transfer. When satisfactory proof of the completed change is received, a new certificate confirming Permit 20287 will be issued.

WITNESS the signature of the Water Resources  
Director, affixed DEC 30 2002.

  
~~for~~ Paul R. Cleary, Director