

**STATE OF OREGON**

**COUNTY OF MULTNOMAH**

**ORDER APPROVING A CHANGE IN USE, PLACE OF USE, AND POINT OF DIVERSION**

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 6817 submitted by

CITY OF PORTLAND  
MULTNOMAH COUNTY DRAINAGE DISTRICT NUMBER 1  
1120 SW FIFTH AVENUE, ROOM 842  
PORTLAND, OREGON 97204.

The right to be modified, as evidenced by a PORTION of Certificate 48633, was perfected under Permit 14393 with a date of priority of MAY 18, 1939. The right allows the use of COLUMBIA SLOUGH, BLUE LAKE, AND ALL DRAINAGE WATER AND SPRINGS WITHIN THE DISTRICT, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 29.56 ACRES. This right is limited to 0.37 cubic foot per second, with a total diversion of 73.90 ACRE-FEET, if available at the authorized points of diversion, or its equivalent in case of rotation, measured at the points of diversion from the source.

The authorized points of diversion are numbers 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 as shown on the final proof survey map for permit 14393.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 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.

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The authorized place of use is located as follows:

NE $\frac{1}{4}$  NE $\frac{1}{4}$  4.77 ACRES  
as projected within WILKES DLC 44  
SECTION 23

SW $\frac{1}{4}$  NE $\frac{1}{4}$  2.09 ACRES  
as projected within HAMILTON DLC 45  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  3.41 ACRES  
as projected within FLEMING DLC 46  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  1.85 ACRES  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  2.65 ACRES  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.31 ACRE  
all as projected within WILKES DLC 44  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  0.44 ACRE  
as projected within HAMILTON DLC 45  
SECTION 24  
TOWNSHIP 1 NORTH, RANGE 2 EAST, W.M.

SW $\frac{1}{4}$  NW $\frac{1}{4}$  0.34 ACRE  
as projected within FLEMING DLC 37  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  0.03 ACRE  
as projected within PULLEN DLC 44  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  3.55 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  3.76 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  2.19 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  1.02 ACRES  
all as projected within WILMOT DLC 43  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  3.15 ACRES  
as projected within PULLEN DLC 44  
SECTION 19  
TOWNSHIP 1 NORTH, RANGE 3 EAST, 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 applicants propose to change the use from irrigation to maintenance of five wetland mitigation ponds required by U.S. Corp of Engineer Permit 071-OYA-2-005690 and Division of State Lands Permit 4803.

The applicants also propose to change the place of use to:

UPPER POND 1 SE $\frac{1}{4}$  NE $\frac{1}{4}$   
UPPER POND 2 SE $\frac{1}{4}$  NE $\frac{1}{4}$   
UPPER POND 3 SW $\frac{1}{4}$  NE $\frac{1}{4}$   
MIDDLE POND S $\frac{1}{2}$  NE $\frac{1}{4}$   
NW $\frac{1}{4}$  SE $\frac{1}{4}$   
LOWER POND NW $\frac{1}{4}$  SE $\frac{1}{4}$   
SECTION 19  
TOWNSHIP 1 NORTH, RANGE 3 EAST, W.M.

The applicants also propose to change the point of diversion to:  
LOT 7 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), SECTION 19, T 1 N, R 3 E, W.M.; 955 FEET NORTH  
AND 286 FEET WEST FROM THE "L" CORNER OF PULLEN DLC 44.

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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, 1994.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the original points of diversion.
3. When required by the Department, 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. When required by the Department, the water user or drainage district shall operate and maintain the headgate and measuring device, as needed. The water user or drainage district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor accuracy of the measuring device, as needed.
5. The former places of use shall no longer be irrigated as a part of this water right.
6. The water may only be diverted during the normal irrigation season, March 1 to October 31 of each year.

Certificate 48633 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,  
affixed *MAY 13, 1993* .

  
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Martha O. Pagel

Recorded in Special Order Records at Volume 47, Page 246 .

T-6817.LHN