

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

In the Matter of Permit Amendment                    )     FINAL ORDER  
T-12894, Multnomah County                         )     APPROVING AN ADDITIONAL POINT  
  )     OF APPROPRIATION AND A  
  )     CHANGE IN PLACE OF USE

**Authority**

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

CITY OF FAIRVIEW  
ATTN: ALLAN BERRY  
1300 NE VILLAGE STREET  
FAIRVIEW, OR 97024

**Findings of Fact**

1. On April 9, 2018, CITY OF FAIRVIEW, ATTN: ALLAN BERRY, filed an application for an additional point of appropriation and to change the place of use under Permit G-7029. The Department assigned the application number T-12894.
2. On September 22, 1980, the Department approved an extension of time for complete application of water to October 1, 1984.
3. On February 20, 1985, the Department approved an extension of time for complete application of water to October 1, 1989.
4. On February 16, 1990, the Department approved an extension of time for complete application of water to October 1, 1994.
5. On February 2, 1995, the Department approved an extension of time for complete application of water to October 1, 1999.
6. On June 13, 2005, the Department approved an extension of time for complete application of water to October 1, 2010.
7. On August 29, 2014, the Department approved an extension of time for complete application of water to October 1, 2040.

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 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

8. Notice of the application for the permit amendment was published in the Department's weekly notice on April 17, 2018, and in the Gresham Outlook newspaper on January February 18 and 25, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
9. Permit Amendment Application T-12894 proposes an additional point of appropriation approximately 0.7 mile from the existing point of appropriation, located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	34	NW NW	WELL 10 - 650 FEET SOUTH AND 130 FEET EAST FROM THE NW CORNER OF SECTION 34

10. Permit Amendment Application T-12894 also proposes to change the place of use of the permit to:

MUNICIPAL WATER SUPPLY
WITHIN THE CITY OF FAIRVIEW SERVICE AREA

***Permit Amendment Review Criteria***

11. The changes would not result in injury to other water rights.
12. The proposed place of use is owned and/or controlled by the permit holder.
13. The changes do not enlarge the permit.
14. The changes do not alter any other terms of the permit.
15. The proposed place of use is contiguous to the authorized place of use.

**Conclusions of Law**

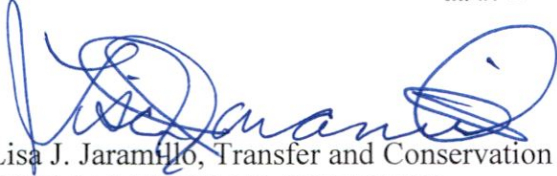
The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-12894 is consistent with the requirements of ORS 537.211.

**Now, therefore, it is ORDERED:**

1. The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-12894 are approved.
2. Permit G-18289, in the name of CITY OF FAIRVIEW, is issued to replace Permit G-7029, and incorporates the amendments approved by this order, the extensions of time, and the Water Management and Conservation Plan. Permit G-7029, in the name of CITY OF FAIRVIEW, is no longer of any force or effect.
3. The combined quantity of water diverted at the new additional point of appropriation (WELL 10), together with that diverted at the old point of appropriation (WELL 6), shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Water shall be acquired from the same aquifer as the original point of appropriation.

5. All other terms and conditions of Permit G-18289 remain the same.

Dated in Salem, Oregon on MAR 11 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: MAR 12 2020