BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-11024, Columbia County)	ADDITIONAL POINT OF
)	APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

QUINCY WATER ASSOCIATION PO BOX 975 CLATSKANIE, OR 97016

Findings of Fact

Background

- 1. On February 25, 2010, QUINCY WATER ASSOCIATION filed an application for an additional point of appropriation under Certificate 82858. The Department assigned the application number T-11024.
- 2. On June 1, 2010, the applicant submitted a revised map identifying the East ¼ Corner of Section 35.
- 3. The portion of the right to be transferred is as follows:

Certificate: 82858 in the name of QUINCY WATER ASSOCIATION (perfected under

Permit G-7711)

Use: QUASI-MUNICIPAL USES

Priority Date: DECEMBER 7, 1977

Rate: 0.134 CUBIC FOOT PER SECOND

Source: WELL 2

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

Authorized Point of Appropriation:

Well #	Yell # Twp Rng Mer Sec Q-Q Measured D		Measured Distances			
		_				
2	8 N	4 W	WM	35	NE SE	110 FEET NORTH AND 950 FEET WEST FROM
						THE E1/4 CORNER OF SECTION 35

Authorized Place of Use:

Authorized Place of Use:							
	QUASI-MUI	NICIPA	L USE	<u>S</u>			
Twp	Rng	Mer	Sec	Q-Q			
7 N	4 W	WM	3	NE NE			
7 N	4 W	WM	3	NW NE			
7 N	4 W	WM	3	SW NE			
7 N	4 W	WM	3	NW SE			
7 N	4 W	WM	3	SW SE			
7 N	4 W	WM	3	SE SE			
7 N	4 W	WM	10	NW NE			
8 N	4 W	WM	21	SW NE			
8 N	4 W	WM	26	SW NE			
8 N	4 W	WM	26	SW NW			
8 N	4 W	WM	26	SE NW			
8 N	4 W	WM	26	NE SW			
8 N	4 W	WM	26	NW SW			
8 N	4 W	WM	27	SE NE			
8 N	4 W	WM	27	SE SW			
8 N	4 W	WM	27	NE SE			
8 N	4 W	WM	27	SW SE			
8 N	4 W	WM	27	SE SE			
8 N	4 W	WM	_28	NE NE			
8 N	4 W	WM	28	NE SW			
8 N	4 W	WM	28	SE SW			
8 N	4 W	WM	29	SE SE			
8 N	4 W	WM	32	NW NE			
8 N	4 W	WM	32	SW NE			
8 N	4 W	WM	32	SE NW			
8 N	4 W	WM	32	NW SE			
8 N	4 W	WM	34	NW NE			
8 N	4 W	WM	34	SW NE			
8 N	4 W	WM	34	NE NW			
8 N	4 W	WM	34	NE SE			
8 N	4 W	WM	34	NW SE			
8 N	4 W	WM	34	SE SE			
8 N	4 W	WM	35	NE SW			
8 N	4 W	WM	35	NW SE			

4. Certificate 82858 describes the location of Well 2 as being 110 feet north of the E½ Corner of Section 35, however, the Department determined this is a scrivener's error because the Final Proof map for the right shows the well to be south of the E½ Corner, as confirmed by the T-11024 application and map and the Quincy Water Association. The correct coordinates are shown below:

Authorized Point of Diversion:

Well#	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	
2	8 N	4 W	WM	35	NE SE	110 FEET SOUTH AND 950 FEET WEST FROM THE E1/4 CORNER OF SECTION 35	

5. Transfer Application T-11024 proposes to add an additional point of appropriation (Well 2B) approximately 477 feet northeasterly from the existing Well 2 to:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	
2 B	8 N	4 W	WM	35	SE NE	33 FEET NORTH AND 497 FEET WEST FROM	
						THE E ¼ CORNER OF SECTION 35	

- 6. Notice of the application for transfer was published on March 2, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 7. On June 2, 2010, the Department mailed a copy of the Preliminary Determination proposing to approve Transfer Application T-11024 to the applicant. The Preliminary Determination cover letter set forth a deadline of July 7, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and on June 11, 2010 provided clarification that the remaining portion of the right from Well 3 is to receive a separate remaining right certificate.
- 8. On June 14, 2010, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11024 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 15, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

- 9. Water has been used within the last five years prior to the submittal of Transfer Application T-11024 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.
- 10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-11024.
- 11. Provided totalizing flow meters are installed as conditioned below, the proposed change would not result in enlargement of the right.
- 12. If conditioned as followed, the proposed change would not result in injury to other water rights.

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-11024 is 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 point of appropriation proposed in application T-11024 is 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 82858 and any related decree.
- 3. Water right certificate 82858 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
- 4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
- 5. 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.
 - 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.
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. 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.
- 8. When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.

Dated at Salem, Oregon	this 22 day of J/y	2010.
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Phillip C. Ward, Directo	or	
JUL	2 6 2010	