

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-11147, Clackamas County                    )     CHANGE IN POINT OF  
  )     APPROPRIATION AND 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**

SUNRISE WATER AUTHORITY  
TIM JANNSEN  
10602 SE 129TH AVE  
HAPPY VALLEY, OR 97086

**Findings of Fact**

**Background**

1. On October 22, 2010, TIM JANNSEN, on behalf of SUNRISE WATER AUTHORITY, filed an application to change the point of appropriation under Certificate 43436. The Department assigned the application number T-11147.
2. On March 19, 2012, the applicant submitted modifications to the application and map via e-mail, to add a second point of appropriation.
3. The right to be transferred is as follows:

**Certificate:** 43436 in the name of DAMASCUS WATER DISTRICT (perfected under Permit G-2540)  
**Use:** MUNICIPAL USE  
**Priority Date:** DECEMBER 3, 1963  
**Rate:** 0.26 CUBIC FOOT PER SECOND  
**Source:** WELL 1 within the ROCK CREEK BASIN

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:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	5	SE SE	800 FEET NORTH AND 1200 FEET WEST FROM THE SE CORNER OF SECTION 5

**Authorized Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	3 E	WM	32	SW NE
1 S	3 E	WM	32	SE NE
1 S	3 E	WM	32	SE NW
1 S	3 E	WM	32	SE SW
1 S	3 E	WM	32	SW SE
1 S	3 E	WM	33	SW NW
1 S	3 E	WM	33	NE SW
1 S	3 E	WM	33	NW SW
1 S	3 E	WM	33	SW SW
1 S	3 E	WM	33	SE SW
1 S	3 E	WM	33	NW SE
1 S	3 E	WM	33	SW SE
1 S	3 E	WM	33	SE SE
1 S	3 E	WM	34	NW SW
1 S	3 E	WM	34	SW SW
1 S	3 E	WM	34	SW SE
1 S	3 E	WM	34	SE SE
1 S	3 E	WM	35	SW SW
2 S	3 E	WM	2	NW NW
2 S	3 E	WM	2	SW NW
2 S	3 E	WM	2	SW SW
2 S	3 E	WM	2	SE SW
2 S	3 E	WM	3	NE NE
2 S	3 E	WM	3	NW NE
2 S	3 E	WM	3	SW NE
2 S	3 E	WM	3	SE NE
2 S	3 E	WM	3	NE NW
2 S	3 E	WM	3	NW NW
2 S	3 E	WM	3	SW NW
2 S	3 E	WM	3	SE NW
2 S	3 E	WM	3	NE SW
2 S	3 E	WM	3	NW SW
2 S	3 E	WM	3	SW SW
2 S	3 E	WM	3	SE SW
2 S	3 E	WM	3	SE SE
2 S	3 E	WM	4	NW NE
2 S	3 E	WM	4	SE NE
2 S	3 E	WM	4	NE NW
2 S	3 E	WM	4	SW NW
2 S	3 E	WM	4	SE NW
2 S	3 E	WM	4	NE SW
2 S	3 E	WM	4	NW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	3 E	WM	4	SW SW
2 S	3 E	WM	4	SE SW
2 S	3 E	WM	4	NE SE
2 S	3 E	WM	4	NW SE
2 S	3 E	WM	4	SW SE
2 S	3 E	WM	4	SE SE
2 S	3 E	WM	5	NE NE
2 S	3 E	WM	5	NW NE
2 S	3 E	WM	5	SW NE
2 S	3 E	WM	5	SE NE
2 S	3 E	WM	5	NE NW
2 S	3 E	WM	5	SW NW
2 S	3 E	WM	5	SE NW
2 S	3 E	WM	5	NE SW
2 S	3 E	WM	5	NW SW
2 S	3 E	WM	5	SW SW
2 S	3 E	WM	5	SE SW
2 S	3 E	WM	5	NE SE
2 S	3 E	WM	5	NW SE
2 S	3 E	WM	5	SW SE
2 S	3 E	WM	5	SE SE
2 S	3 E	WM	6	NE NE
2 S	3 E	WM	6	NW NE
2 S	3 E	WM	6	SW NE
2 S	3 E	WM	6	SE NE
2 S	3 E	WM	6	NE NW
2 S	3 E	WM	6	SW NW
2 S	3 E	WM	6	SE NW
2 S	3 E	WM	6	NE SW
2 S	3 E	WM	6	NW SW
2 S	3 E	WM	6	SE SW
2 S	3 E	WM	6	NE SE
2 S	3 E	WM	6	NW SE
2 S	3 E	WM	6	SW SE
2 S	3 E	WM	6	SE SE
2 S	3 E	WM	7	NE NE
2 S	3 E	WM	7	NW NE
2 S	3 E	WM	7	SW NE
2 S	3 E	WM	7	SE NE
2 S	3 E	WM	7	NE NW
2 S	3 E	WM	7	SE NW
2 S	3 E	WM	7	NW SW
2 S	3 E	WM	7	SW SW
2 S	3 E	WM	7	NE SE
2 S	3 E	WM	7	NW SE
2 S	3 E	WM	7	SW SE
2 S	3 E	WM	7	SE SE
2 S	3 E	WM	8	NE NE
2 S	3 E	WM	8	NW NE
2 S	3 E	WM	8	SW NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	3 E	WM	8	SE NE
2 S	3 E	WM	8	NE NW
2 S	3 E	WM	8	NW NW
2 S	3 E	WM	8	SW NW
2 S	3 E	WM	8	SE NW
2 S	3 E	WM	8	NW SW
2 S	3 E	WM	8	SW SW
2 S	3 E	WM	8	SE SW
2 S	3 E	WM	9	NE NE
2 S	3 E	WM	9	NW NE
2 S	3 E	WM	9	SW NE
2 S	3 E	WM	9	SE NE
2 S	3 E	WM	9	NE NW
2 S	3 E	WM	9	NW NW
2 S	3 E	WM	9	SW NW
2 S	3 E	WM	9	SE NW
2 S	3 E	WM	9	NE SE
2 S	3 E	WM	9	NW SE
2 S	3 E	WM	9	SW SE
2 S	3 E	WM	9	SE SE
2 S	3 E	WM	10	NE NE
2 S	3 E	WM	10	NW NE
2 S	3 E	WM	10	SW NE
2 S	3 E	WM	10	NE NW
2 S	3 E	WM	10	NW NW
2 S	3 E	WM	10	SW NW
2 S	3 E	WM	10	SE NW
2 S	3 E	WM	10	NE SW
2 S	3 E	WM	10	NW SW
2 S	3 E	WM	10	SW SW
2 S	3 E	WM	10	SE SW
2 S	3 E	WM	10	NW SE
2 S	3 E	WM	10	SW SE
2 S	3 E	WM	11	NE NW
2 S	3 E	WM	15	NE NW
2 S	3 E	WM	15	SW NW
2 S	3 E	WM	16	NE NE
2 S	3 E	WM	16	SE NE
2 S	3 E	WM	16	NE SE
2 S	3 E	WM	17	NW NW
2 S	3 E	WM	18	NE NE
2 S	3 E	WM	18	NW NE
2 S	3 E	WM	18	SE NE

4. Transfer Application T-11147 proposes to replace the authorized point of appropriation with two wells approximately one mile southeast of the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	9	SW NE	1825 FEET SOUTH AND 1510 FEET WEST FROM THE NE CORNER OF SECTION 9
2 S	3 E	WM	9	SW NE	1825 FEET SOUTH AND 1560 FEET WEST FROM THE NE CORNER OF SECTION 9

5. The authorized well, with well log CLAC 4579, appears to access water from both an alluvial water-bearing zone and a basalt water-bearing zone. The ratio of alluvial to basalt groundwater appropriated is unknown, but the best available information suggests that approximately 75% of the water would come from the alluvial aquifer, with the remaining 25% from the basalt aquifer. Proposed Well 6 (CLAC 4683) accesses water from the basalt, and Proposed Well 6A (CLAC 4682) accesses alluvial water.
6. Notice of the application for transfer was published on November 2, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On May 30, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11147 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 30, 2012, for the applicant to respond.
8. On June 26, 2012, the applicant agreed to condition the right to allow 25% of the water (0.065 cfs) to come from basalt Well 6 and 75% (0.195 cfs) to come from alluvial Well 6A. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
9. On July 13, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11147 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on July 17, 2012, and in The Clackamas Review newspaper on August 29, and September 5 and 12, 2012, 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)***

10. Water has been used within the last five years 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.
11. A pump, pipeline, and delivery 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-11147.

12. With Well 6 limited to 25% of the authorized rate (0.065 cfs) and Well 6A limited to 75% of the rate (0.195 cfs), the proposed change would not result in enlargement of the right.
13. As conditioned to limit the use of the two wells as in the previous Finding of Fact, the proposed change would not result in injury to other water rights.

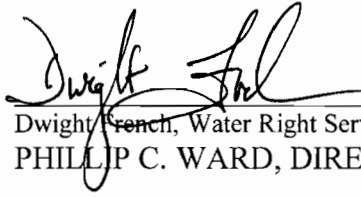
### **Conclusions of Law**

The changes in point of appropriation and additional point of appropriation proposed in Transfer Application T-11147 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 appropriation and additional point of appropriation proposed in application T-11147 are 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 43436 and any related decree.
3. Water right certificate 43436 is cancelled.
4. The quantity of water diverted at the new and additional points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifers (water sources) as the original point of appropriation, being no more than 0.065 cfs from Well 6 and 0.195 cfs from Well 6A.
6. 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.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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 changes and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 16 day of October, 2012.



Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing Date     OCT 18 2012