

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

In the Matter of Transfer Application            )    FINAL ORDER APPROVING  
T-11311, Multnomah County                    )    ADDITIONAL POINTS OF  
  )    APPROPRIATION, CHANGES IN  
  )    PLACE OF USE AND CHARACTER OF  
  )    USE

**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**

INTERLACHEN WATER PEOPLE'S  
UTILITY DISTRICT  
PO BOX 1776  
FAIRVIEW, OR 97024

**Agent**

GSI WATER SOLUTIONS, INC.  
Attn: TED RESSLER, RG, CWRE  
55 SW YAMHILL STREET, SUITE 400  
PORTLAND, OR 97204

**Findings of Fact**

**Background**

1. On October 31, 2011, INTERLACHEN WATER PEOPLE'S UTILITY DISTRICT filed an application for additional points of appropriation, to change the place of use, and to change the character of use under Certificate 82574. The Department assigned the application number T-11311.
2. The right to be transferred is as follows:
  - Certificate:** 82574 in the name of INTERLACHEN, INC. (perfected under Permit G-8292)
  - Use:** QUASI-MUNICIPAL USE
  - Priority Date:** JULY 14, 1978
  - Rate:** 0.45 CUBIC FOOT PER SECOND
  - Source:** A WELL

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
1 N	3 E	WM	21	NE SE	1420 FEET NORTH AND 1140 FEET WEST FROM THE SE CORNER OF SECTION 21

**Authorized Place of Use:**

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	21	NE SW
1 N	3 E	WM	21	SE SW
1 N	3 E	WM	21	NE SE
1 N	3 E	WM	21	NW SE
1 N	3 E	WM	21	SW SE
1 N	3 E	WM	21	SE SE

3. The Certified Water Right Examiner asserts the well location was incorrectly described in the final proof survey for Certificate 82574, and the location of the authorized point of diversion is more accurately described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	21	NW SE	1360 FEET NORTH AND 1650 FEET WEST FROM THE SE CORNER OF SECTION 21

4. Transfer Application T-11311 proposes three additional points of appropriation located between approximately 0.15 to 0.50 mile from the redescribed existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	21	NW SW	Well 1 - 1160 FEET SOUTH AND 515 FEET EAST FROM THE W <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 21
1 N	3 E	WM	21	NW SE	Well 2 - 1475 FEET NORTH AND 200 FEET EAST FROM THE S <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 21
1 N	3 E	WM	21	NW SE	Well 5 - 1475 FEET NORTH AND 200 FEET EAST FROM THE S <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 21

5. Transfer Application T-11311 proposes to change the character of use to municipal use.
6. Transfer Application T-11311 also proposes to change the place of use of the right to within the Service Boundary of the Interlachen Water People's Utility District as follows:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	20	NE SE
1 N	3 E	WM	21	NE SW
1 N	3 E	WM	21	NW SW
1 N	3 E	WM	21	SW SW
1 N	3 E	WM	21	SE SW
1 N	3 E	WM	21	NE SE
1 N	3 E	WM	21	NW SE
1 N	3 E	WM	21	SW SE
1 N	3 E	WM	21	SE SE

7. Notice of the application for transfer was published on November 8, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On July 25, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11311 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 27, 2012, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. The applicant requested that the completion date for full beneficial use of water be extended to October 1, 2032.
10. On September 28, 2012, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11311 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 December 2, 2012, and in the Gresham Outlook Newspaper on October 5, 12, and 19, 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)***

11. 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.
12. 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-11311.
13. The proposed changes would not result in enlargement of the right.
14. The proposed changes would not result in injury to other water rights.

**Conclusions of Law**


The additional points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-11311 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 additional points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-11311 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 82574 and any related decree.

3. Water right certificate 82574 is cancelled.
4. The quantity of water diverted at the additional points 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 (new and existing).
  - 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. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2032**. 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. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 19 day of November, 2012.



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

Mailing Date NOV 20 2012