



5. On September 14, 2010, the Department approved a Water Management and Conservation Plan submitted by the Joint Water Commission. The approval order was entered at Volume 81, Page 871.
6. On November 18, 2010, the Department approved an assignment of the permit to the Joint Water Commission (Hillsboro, Forest Grove, Beaverton, Tualatin Valley Water District).
7. Permit Amendment Application T-11155 proposes to move the authorized point of diversion approximately 7.5 stream miles downstream from the existing point of diversion to a point on the Tualatin River located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	SW SW	SPRINGHILL INTAKE - 500 FEET NORTH AND 410 FEET EAST FROM THE SW CORNER OF SECTION 8

8. Notice of the application for the permit amendment was published in the Department's weekly notice on November 23, 2010, and in the Oregonian newspaper on January 22 and 29, and February 5, 2011, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
9. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.
10. The Oregon Department of Fish and Wildlife (ODFW) has determined that any increase of the pumping facility capacity will result in the need to upgrade the fish screens to be consistent with fish screen criteria in place at the time of the increase in capacity.

***Permit Amendment Review Criteria***

11. The change would not result in injury to other water rights.
12. The change does not enlarge the permit.
13. The change does not alter any other terms of the permit.

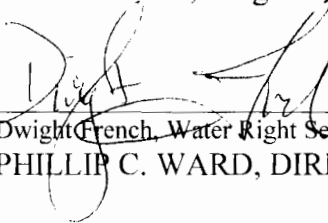
**Conclusions of Law**

The change in point of diversion proposed by Permit Amendment Application T-11155 is consistent with the requirements of ORS 537.211.

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

1. The change in point of diversion proposed by Permit Amendment Application T-11155 is approved.
2. Permit S-54737, in the name of JOINT WATER COMMISSION (HILLSBORO, FOREST GROVE, BEAVERTON, AND TUALATIN VALLEY WATER DISTRICT) is issued to replace Permit S-50879, and incorporates the amendments approved by this order, the extension of time, the Water Management and Conservation Plan, and assignment. Permit S-50879, in the name of JOINT WATER COMMISSION (HILLSBORO, FOREST GROVE, BEAVERTON, AND TUALATIN VALLEY WATER DISTRICT), is no longer of any force or effect.
3. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion on Scoggins Creek.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the point of diversion. Any increase of the pumping facility capacity will result in the need to upgrade the fish screens to be consistent with fish screen criteria in place at the time of the increase in capacity. The water user shall operate, inspect and maintain the existing intake system (checking seals, integrity of screens, etc.) as needed to function as designed, but not less frequently than annually.
6. Water shall be acquired from the same surface water source (Scoggins Creek) as the original point of diversion.
7. All other terms and conditions of Permit S-54737, the final order approving the extension of time, and the final order approving the Water Management and Conservation Plan remain the same.

Dated at Salem, Oregon this 15 day of December, 2011.

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

Mailing Date: DEC 19 2011

