

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-13994, Multnomah County)	CHANGES IN PLACE OF USE AND AN
)	ADDITIONAL POINT OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

PORT OF PORTLAND
BLAKE HAMALAINEN
PO BOX 3529
PORTLAND, OR 97208

Findings of Fact

1. On May 2, 2022, PORT OF PORTLAND, BLAKE HAMALAINEN filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 83964 for a period of 3 years. The Department assigned the application number T-13994.
2. Notice of the application for transfer was published on May 10, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

This is a final order in other than a 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, 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.

3. The right to be temporarily transferred is as follows:

Certificate: 83964 in the name of PORT OF PORTLAND (perfected under Permit S-50680)

Use: IRRIGATION of 166.5 ACRES

Priority Date: JUNE 22, 1988

Rate: 2.08 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: COLUMBIA RIVER, a tributary of PACIFIC OCEAN

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 N	2 E	WM	11	NW SW	2	2630 FEET NORTH AND 5280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 E	WM	14	SE NE	1	2349 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 N	2 E	WM	11	NE SW	5	18.1
1 N	2 E	WM	11	SW SW		2.2
1 N	2 E	WM	11	SE SW	5	27.3
1 N	2 E	WM	11	NW SE	4	4.1
1 N	2 E	WM	11	SW SE	4	26.0
1 N	2 E	WM	13	NW NW		10.2
1 N	2 E	WM	13	SE SW		22.1
1 N	2 E	WM	14	NE NE		20.1
1 N	2 E	WM	14	NW NE		20.7
1 N	2 E	WM	14	SW NE	2	1.9
1 N	2 E	WM	14	SE NE	1	13.8
Total:						166.5

4. Certificate 83964 provides a description of the points of diversion; however, the applicant assigned the points of diversion numbers to differentiate the points as described below:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
1 N	2 E	WM	11	NW SW	2	POD 1 - 2630 FEET NORTH AND 5280 FEET WEST FROM THE SE CORNER OF SECTION 11
1 N	2 E	WM	14	SE NE	1	POD 2 - 2349 FEET SOUTH AND 300 FEET WEST FROM THE NE CORNER OF SECTION 14

5. Temporary Transfer Application T-13994 proposes to temporarily change the place of use of the right for 0.5 acres to:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	POU change	POD #
1 N	2 E	WM	11	NE SW	5	18.1		1 & 2
1 N	2 E	WM	11	SW SW		2.2		1 & 2
1 N	2 E	WM	11	NW SE	4	4.1		1 & 2
1 N	2 E	WM	11	SW SE	4	26.0		1 & 2
1 N	2 E	WM	11	SE SE	5	27.3		1 & 2
1 N	2 E	WM	12	NE SW			0.20	3
1 N	2 E	WM	13	NW NW		9.7		4
1 N	2 E	WM	13	SW NW		22.1		1 & 2
1 N	2 E	WM	14	NE NE		20.1		1 & 2
1 N	2 E	WM	14	NW NE		20.7		1 & 2
1 N	2 E	WM	14	SW NE	2	1.9		1 & 2
1 N	2 E	WM	14	SE NE	21	13.8		1 & 2
1 N	3 E	WM	17	NE NW			0.30	1 & 2
Totals:						166.0	0.50	

6. Additional points of diversion are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13994 proposes an additional point of diversion approximately between 0.77 and 1.7 mile downstream to:

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Measured Distances
1 N	2 E	WM	12	NE SW	100	POD 3 - 1700 FEET NORTH AND 870 FEET WEST FROM THE S1/4 CORNER OF SECTION 12
1 N	3 E	WM	17	NE NW	100	POD 4 - 1070 FEET NORTH AND 1495 FEET EAST FROM THE NW CORNER OF SECTION 17

Temporary Transfer Review Criteria

- Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
- The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

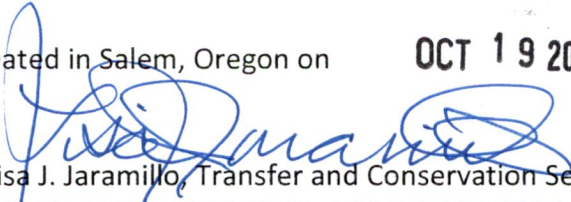
Conclusions of Law

The temporary changes in place of use and additional points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13994 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13994 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2022, 2023, and 2024 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2024 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes causes injury to any existing water right.
5. The quantity of water diverted at the proposed temporary additional points of diversion, together with that diverted at the original points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificate 83964 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 83964.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by Certificate 83964 shall continue to be in accordance with the terms and conditions of Certificate 83964.

Dated in Salem, Oregon on **OCT 19 2022**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **OCT 20 2022**