BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-13913, Wasco County	))	FINAL ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Authority

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

Applicant

CITY OF MOSIER
ATTN: COLLEEN COLEMAN
PO BOX 456
208 WASHINGTON ST
MOSIER, OR 97040

Findings of Fact

1. On February 3, 2022, City of Mosier Attn: Colleen Coleman filed an application for a change in point of appropriation under Certificate 91731. The Department assigned the application number T-13913.

2. Notice of the application for transfer was published on February 15, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On July 9, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-13913. The draft Preliminary Determination cover letter provided a deadline of August 8, 2025, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

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.

4. On July 21, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13913 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on July 22, 2025, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 91731 in the name of CITY OF MOSIER (perfected under Permit G-5410)
Use: MUNICIPAL USE
Priority Date: MAY 20, 1971
Rate: 0.67 CUBIC FOOT PER SECOND (CFS), BEING LIMITED TO 0.53 CFS FROM MOSIER WELL 3 AND 0.67 CFS FROM WELL 4
Source: MOSIER WELL 3 AND WELL 4 IN MOSIER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	11 E	WM	12	NW NE	WELL 4 - 1222 FEET SOUTH AND 1398 FEET WEST FROM THE NE CORNER OF SECTION 12
2 N	11 E	WM	12	SW NE	MOSIER WELL 3 – 220 FEET NORTH AND 1335 FEET WEST FROM THE E1/4 CORNER OF SECTION 12

Authorized Place of Use:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
2 N	11 E	WM	1	SW NE
2 N	11 E	WM	1	SE NW
2 N	11 E	WM	1	NE SW
2 N	11 E	WM	1	NW SW
2 N	11 E	WM	1	SW SW
2 N	11 E	WM	1	SE SW
2 N	11 E	WM	1	NW SE
2 N	11 E	WM	1	SW SE
2 N	11 E	WM	2	NE SE
2 N	11 E	WM	2	NW SE
2 N	11 E	WM	2	SW SE
2 N	11 E	WM	2	SE SE

6. Transfer Application T-13913 proposes to move Mosier Well 3 to the proposed Well 5 approximately 150 feet east:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 N	11 E	WM	12	NW NE	WELL 5 - 1170 FEET SOUTH AND 1360 FEET WEST FROM THE NE CORNER OF SECTION 12

7. Mosier Well 3 was abandoned in 2013 as evidenced by abandonment log WASC 52071.

Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), and OAR 690-380-2110(2)]

8. 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.

9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13913.

10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).

11. The proposed point of appropriation develops groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).

12. The proposed change, as conditioned, would not result in enlargement of the right.

13. The proposed change, as conditioned, would not result in injury to other existing water rights.

14. All other application requirements are met.

Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13913 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 change in point of appropriation proposed in Transfer Application T-13913 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 91731 and any related decree.

3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.

4. Water right Certificate 91731 is cancelled.

5. The quantity of water diverted at the new point of appropriation (Well 5) shall not exceed the quantity of water lawfully available at the original points of appropriation (Mosier Well 3 and Well 4).

6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

7. Mosier Well 3 was abandoned in 2013 as evidenced by abandonment log WASC 52071 and is removed from this water right.

8. 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.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2030**. 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.

10. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on SEP 18 2025

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing date: SEP 19 2025