

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-9864, Washington County)	ADDITIONAL POINTS OF
)	APPROPRIATION AND CHANGES IN
)	PLACE OF USE

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

CITY OF TIGARD
13125 SW HALL BOULEVARD
TIGARD, OREGON 97223

Findings of Fact

1. On February 16, 2005, the City of Tigard filed a transfer application to add two points of appropriation and to change the place of use for the right described under prior Transfer 9234, for which proof of completion of the change had been filed. The Department assigned the application number T-9864.
2. On May 31, 2005 the Department determined that the proof of completion submitted for transfer T-9234 was satisfactory, and that beneficial use under the terms of the transfer approval order was completed to the extent authorized. A new certificate will be issued for the right upon satisfactory completion of the changes proposed under T-9864, or upon withdrawal of T-9864.

3. The right to be transferred is as follows:

Transfer: T-9234 in the name of City of Tigard (perfected under Permit G-3270)

Use: Municipal

Priority Date: April 25, 1966

Quantity: 0.67 cubic foot per second

Source: Well #1 and Well COT-IR (ASR 1) in the Fanno Creek Basin

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼	Lot	Survey Coordinates
2	S	1	W	W.M.	11	SW NW	2	Well 1—South 00°44'37" West 1639 feet from the NW Corner of Section 11
2	S	1	W	W.M.	11	SW NW	2	Well ASR 1—South 03°13'22" East 1561 feet from the NW Corner of Section 11

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 either 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 Place of Use:

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

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	3	SE SW
2 S	1 W	WM	3	NE SE
2 S	1 W	WM	3	NW SE
2 S	1 W	WM	3	SW SE
2 S	1 W	WM	3	SE SE
2 S	1 W	WM	4	NE NE
2 S	1 W	WM	4	SW NE
2 S	1 W	WM	4	SE NE
2 S	1 W	WM	4	NE NW
2 S	1 W	WM	4	SW NW
2 S	1 W	WM	4	SE NW
2 S	1 W	WM	4	SW SW
2 S	1 W	WM	4	SE SW
2 S	1 W	WM	4	NE SE
2 S	1 W	WM	4	NW SE
2 S	1 W	WM	4	SW SE
2 S	1 W	WM	4	SE SE
2 S	1 W	WM	5	SW SE
2 S	1 W	WM	5	SE SE
2 S	1 W	WM	8	NE NE
2 S	1 W	WM	8	NW NE
2 S	1 W	WM	8	SW NE
2 S	1 W	WM	8	SE NE
2 S	1 W	WM	8	NE NW
2 S	1 W	WM	8	NW NW
2 S	1 W	WM	8	NE SE
2 S	1 W	WM	8	NW SE
2 S	1 W	WM	9	NE NE
2 S	1 W	WM	9	NW NE
2 S	1 W	WM	9	SW NE
2 S	1 W	WM	9	SE NE
2 S	1 W	WM	9	NE NW
2 S	1 W	WM	9	NW NW
2 S	1 W	WM	9	SW NW
2 S	1 W	WM	9	SE NW
2 S	1 W	WM	9	NE SW
2 S	1 W	WM	9	NW SW
2 S	1 W	WM	9	NE SE
2 S	1 W	WM	9	NW SE
2 S	1 W	WM	9	SW SE
2 S	1 W	WM	9	SE SE
2 S	1 W	WM	10	NE NE
2 S	1 W	WM	10	NW NE
2 S	1 W	WM	10	SW NE
2 S	1 W	WM	10	SE NE
2 S	1 W	WM	10	NE NW
2 S	1 W	WM	10	NW NW
2 S	1 W	WM	10	SW NW
2 S	1 W	WM	10	SE NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	10	NE SW
2 S	1 W	WM	10	NW SW
2 S	1 W	WM	10	SW SW
2 S	1 W	WM	10	SE SW
2 S	1 W	WM	10	NE SE
2 S	1 W	WM	10	NW SE
2 S	1 W	WM	10	SW SE
2 S	1 W	WM	10	SE SE
2 S	1 W	WM	11	NE NE
2 S	1 W	WM	11	NW NE
2 S	1 W	WM	11	SW NE
2 S	1 W	WM	11	SE NE
2 S	1 W	WM	11	NE NW
2 S	1 W	WM	11	NW NW
2 S	1 W	WM	11	SW NW
2 S	1 W	WM	11	SE NW
2 S	1 W	WM	11	NE SW
2 S	1 W	WM	11	NW SW
2 S	1 W	WM	11	SW SW
2 S	1 W	WM	11	SE SW
2 S	1 W	WM	11	NE SE
2 S	1 W	WM	11	NW SE
2 S	1 W	WM	11	SW SE
2 S	1 W	WM	11	SE SE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	12	SW NE
2 S	1 W	WM	12	NE NW
2 S	1 W	WM	12	NW NW
2 S	1 W	WM	12	SW NW
2 S	1 W	WM	12	SE NW
2 S	1 W	WM	12	NE SW
2 S	1 W	WM	12	NW SW
2 S	1 W	WM	12	SW SW
2 S	1 W	WM	12	SE SW
2 S	1 W	WM	13	NE NW
2 S	1 W	WM	13	NW NW
2 S	1 W	WM	14	NE NE
2 S	1 W	WM	14	NW NE
2 S	1 W	WM	15	NE NW
2 S	1 W	WM	15	NW NW
2 S	1 W	WM	15	SW NW
2 S	1 W	WM	15	SE NW
2 S	1 W	WM	15	NE SW
2 S	1 W	WM	15	NW SW
2 S	1 W	WM	16	NE NE
2 S	1 W	WM	16	SW NE
2 S	1 W	WM	16	SE NE
2 S	1 W	WM	16	NE SE
2 S	1 W	WM	16	NW SE

4. Application T-9864 proposes to add two authorized points of appropriation, approximately 1.0 mile from the existing points of appropriation in the Fanno Creek basin, located as follows:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
2	S	1	W	W.M.	10	NW NW	Well 2—610 feet South and 1,270 feet East from the NW Corner of Section 10
2	S	1	W	W.M.	10	SW NW	ASR 2—1,750 feet South and 100 feet East from the NW Corner of Section 10

5. Application T-9864 proposes to change the place of use of the right to:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	27	SE SE
1 S	1 W	WM	33	NE NE
1 S	1 W	WM	33	SW NE
1 S	1 W	WM	33	SE NE
1 S	1 W	WM	33	SE NW
1 S	1 W	WM	33	NE SW
1 S	1 W	WM	33	NW SW
1 S	1 W	WM	33	SW SW
1 S	1 W	WM	33	SE SW
1 S	1 W	WM	33	NE SE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	33	NW SE
1 S	1 W	WM	33	SW SE
1 S	1 W	WM	33	SE SE
1 S	1 W	WM	34	NE NE
1 S	1 W	WM	34	NW NE
1 S	1 W	WM	34	SW NE
1 S	1 W	WM	34	SE NE
1 S	1 W	WM	34	NE NW
1 S	1 W	WM	34	NW NW
1 S	1 W	WM	34	SW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	34	SE NW
1 S	1 W	WM	34	NE SW
1 S	1 W	WM	34	NW SW
1 S	1 W	WM	34	SW SW
1 S	1 W	WM	34	SE SW
1 S	1 W	WM	34	NE SE
1 S	1 W	WM	34	NW SE
1 S	1 W	WM	34	SW SE
1 S	1 W	WM	34	SE SE
1 S	1 W	WM	35	NW NW
1 S	1 W	WM	35	SW NW
1 S	1 W	WM	35	NE SW
1 S	1 W	WM	35	NW SW
1 S	1 W	WM	35	SW SW
1 S	1 W	WM	35	SE SW
1 S	1 W	WM	35	NW SE
1 S	1 W	WM	35	SW SE
1 S	1 W	WM	35	SE SE
1 S	1 W	WM	36	SW SW
2 S	1 W	WM	1	NE NW
2 S	1 W	WM	1	NW NW
2 S	1 W	WM	1	SW NW
2 S	1 W	WM	1	SE NW
2 S	1 W	WM	1	NE SW
2 S	1 W	WM	1	NW SW
2 S	1 W	WM	1	SW SW
2 S	1 W	WM	1	SE SW
2 S	1 W	WM	2	NE NE
2 S	1 W	WM	2	NW NE
2 S	1 W	WM	2	SW NE
2 S	1 W	WM	2	SE NE
2 S	1 W	WM	2	NE NW
2 S	1 W	WM	2	NW NW
2 S	1 W	WM	2	SW NW
2 S	1 W	WM	2	SE NW
2 S	1 W	WM	2	NE SW
2 S	1 W	WM	2	NW SW
2 S	1 W	WM	2	SW SW
2 S	1 W	WM	2	SE SW
2 S	1 W	WM	2	NE SE
2 S	1 W	WM	2	NW SE
2 S	1 W	WM	2	SW SE
2 S	1 W	WM	2	SE SE
2 S	1 W	WM	3	NE NE
2 S	1 W	WM	3	NW NE
2 S	1 W	WM	3	SW NE
2 S	1 W	WM	3	SE NE
2 S	1 W	WM	3	NE NW
2 S	1 W	WM	3	NW NW
2 S	1 W	WM	3	SW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	3	SE NW
2 S	1 W	WM	3	NE SW
2 S	1 W	WM	3	NW SW
2 S	1 W	WM	3	SW SW
2 S	1 W	WM	3	SE SW
2 S	1 W	WM	3	NE SE
2 S	1 W	WM	3	NW SE
2 S	1 W	WM	3	SW SE
2 S	1 W	WM	3	SE SE
2 S	1 W	WM	4	NE NE
2 S	1 W	WM	4	NW NE
2 S	1 W	WM	4	SW NE
2 S	1 W	WM	4	SE NE
2 S	1 W	WM	4	NE NW
2 S	1 W	WM	4	NW NW
2 S	1 W	WM	4	SW NW
2 S	1 W	WM	4	SE NW
2 S	1 W	WM	4	NE SW
2 S	1 W	WM	4	NW SW
2 S	1 W	WM	4	SW SW
2 S	1 W	WM	4	SE SW
2 S	1 W	WM	4	NE SE
2 S	1 W	WM	4	NW SE
2 S	1 W	WM	4	SW SE
2 S	1 W	WM	4	SE SE
2 S	1 W	WM	5	NE NE
2 S	1 W	WM	5	SW NE
2 S	1 W	WM	5	SE NE
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2 S	1 W	WM	5	SE NW
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2 S	1 W	WM	5	NW SW
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2 S	1 W	WM	5	SE SW
2 S	1 W	WM	5	NE SE
2 S	1 W	WM	5	NW SE
2 S	1 W	WM	5	SW SE
2 S	1 W	WM	5	SE SE
2 S	1 W	WM	6	SE NE
2 S	1 W	WM	6	NE SE
2 S	1 W	WM	6	SE SE
2 S	1 W	WM	7	NE NE
2 S	1 W	WM	7	SE NE
2 S	1 W	WM	7	NE SE
2 S	1 W	WM	8	NE NE
2 S	1 W	WM	8	NW NE
2 S	1 W	WM	8	SW NE
2 S	1 W	WM	8	SE NE
2 S	1 W	WM	8	NE NW
2 S	1 W	WM	8	NW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	8	SW NW
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2 S	1 W	WM	8	NE SW
2 S	1 W	WM	8	NW SW
2 S	1 W	WM	8	NE SE
2 S	1 W	WM	8	NW SE
2 S	1 W	WM	8	SW SE
2 S	1 W	WM	8	SE SE
2 S	1 W	WM	9	NE NE
2 S	1 W	WM	9	NW NE
2 S	1 W	WM	9	SW NE
2 S	1 W	WM	9	SE NE
2 S	1 W	WM	9	NE NW
2 S	1 W	WM	9	NW NW
2 S	1 W	WM	9	SW NW
2 S	1 W	WM	9	SE NW
2 S	1 W	WM	9	NE SW
2 S	1 W	WM	9	NW SW
2 S	1 W	WM	9	SW SW
2 S	1 W	WM	9	SE SW
2 S	1 W	WM	9	NE SE
2 S	1 W	WM	9	NW SE
2 S	1 W	WM	9	SW SE
2 S	1 W	WM	9	SE SE
2 S	1 W	WM	10	NE NE
2 S	1 W	WM	10	NW NE
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2 S	1 W	WM	10	SE NE
2 S	1 W	WM	10	NE NW
2 S	1 W	WM	10	NW NW
2 S	1 W	WM	10	SW NW
2 S	1 W	WM	10	SE NW
2 S	1 W	WM	10	NE SW
2 S	1 W	WM	10	NW SW
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2 S	1 W	WM	10	NE SE
2 S	1 W	WM	10	NW SE
2 S	1 W	WM	10	SW SE
2 S	1 W	WM	10	SE SE
2 S	1 W	WM	11	NE NE
2 S	1 W	WM	11	NW NE
2 S	1 W	WM	11	SW NE
2 S	1 W	WM	11	SE NE
2 S	1 W	WM	11	NE NW
2 S	1 W	WM	11	NW NW
2 S	1 W	WM	11	SW NW
2 S	1 W	WM	11	SE NW
2 S	1 W	WM	11	NE SW
2 S	1 W	WM	11	NW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	11	SW SW
2 S	1 W	WM	11	SE SW
2 S	1 W	WM	11	NE SE
2 S	1 W	WM	11	NW SE
2 S	1 W	WM	11	SW SE
2 S	1 W	WM	11	SE SE
2 S	1 W	WM	12	NW NE
2 S	1 W	WM	12	SW NE
2 S	1 W	WM	12	NE NW
2 S	1 W	WM	12	NW NW
2 S	1 W	WM	12	SW NW
2 S	1 W	WM	12	SE NW
2 S	1 W	WM	12	NE SW
2 S	1 W	WM	12	NW SW
2 S	1 W	WM	12	SW SW
2 S	1 W	WM	12	SE SW
2 S	1 W	WM	12	NW SE
2 S	1 W	WM	12	NE SE
2 S	1 W	WM	12	SW SE
2 S	1 W	WM	12	SE SE
2 S	1 W	WM	13	NE NE
2 S	1 W	WM	13	NW NE
2 S	1 W	WM	13	SW NE
2 S	1 W	WM	13	SE NE
2 S	1 W	WM	13	NE NW
2 S	1 W	WM	13	NW NW
2 S	1 W	WM	13	SW NW
2 S	1 W	WM	13	SE NW
2 S	1 W	WM	13	NE SW
2 S	1 W	WM	13	NW SW
2 S	1 W	WM	13	SW SW
2 S	1 W	WM	13	SE SW
2 S	1 W	WM	13	NE SE
2 S	1 W	WM	13	NW SE
2 S	1 W	WM	13	SW SE
2 S	1 W	WM	13	SE SE
2 S	1 W	WM	14	NE NE
2 S	1 W	WM	14	NW NE
2 S	1 W	WM	14	SW NE
2 S	1 W	WM	14	SE NE
2 S	1 W	WM	14	NE NW
2 S	1 W	WM	14	NW NW
2 S	1 W	WM	14	SW NW
2 S	1 W	WM	14	SE NW
2 S	1 W	WM	14	NE SW
2 S	1 W	WM	14	NE SE
2 S	1 W	WM	14	NW SE
2 S	1 W	WM	14	SW SE
2 S	1 W	WM	14	SE SE
2 S	1 W	WM	15	NE NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	15	NW NE
2 S	1 W	WM	15	SW NE
2 S	1 W	WM	15	SE NE
2 S	1 W	WM	15	NE NW
2 S	1 W	WM	15	NW NW
2 S	1 W	WM	15	SW NW
2 S	1 W	WM	15	SE NW
2 S	1 W	WM	15	NE SW
2 S	1 W	WM	15	NW SW
2 S	1 W	WM	15	SW SW
2 S	1 W	WM	15	NW SE
2 S	1 W	WM	16	NE NE
2 S	1 W	WM	16	NW NE
2 S	1 W	WM	16	SW NE
2 S	1 W	WM	16	SE NE
2 S	1 W	WM	16	NE NW
2 S	1 W	WM	16	NW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	16	SE NW
2 S	1 W	WM	16	NE SW
2 S	1 W	WM	16	SE SW
2 S	1 W	WM	16	NE SE
2 S	1 W	WM	16	NW SE
2 S	1 W	WM	16	SW SE
2 S	1 W	WM	16	SE SE
2 S	1 W	WM	17	NE NE
2 S	1 W	WM	17	NW NE
2 S	1 W	WM	24	NW NE
2 S	1 W	WM	24	SW NE
2 S	1 W	WM	24	NE NW
2 S	1 W	WM	24	NW NW
2 S	1 W	WM	24	SE NW

5. Notice of the application for transfer was published pursuant to ORS 540.520 and 690-380-4000. No comments were filed in response to the notice.
6. Water has been used within the last five years according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. Pumps, pipelines, and a municipal system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.

Conclusions of Law

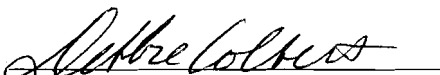
The changes in place of use and additional points of appropriation proposed in application T-9864 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed in application T-9864 are approved.
2. The right to 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 Special Order Volume 57, Page 173 approving Transfer 9234, original Certificate 46639, and any related decree.

3. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
4. The proposed changes shall be completed on or before October 1, 2010.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2011.
6. The quantity of water diverted at the additional points of appropriation, together with that diverted at the previously authorized points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
7. Prior to diverting water at the new points of appropriation, the water user shall install and maintain in-line flow meters or other suitable devices for measuring and recording the quantity of water appropriated. The type and plans of the measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
8. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 27 day of September, 2005.

for 
Phillip C. Ward, Director

SEP 29 2005

Mailing Date: _____