

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

In the Matter of Ground Water	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF ADDITIONAL
T-11618, Multnomah County	)	POINTS OF APPROPRIATION AND
	)	CHANGE IN PLACE OF USE

**Authority**

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

**Applicant**

CITY OF WOOD VILLAGE  
2055 NE 238TH DR  
WOOD VILLAGE, OR 97060

**Findings of Fact**

1. On June 13, 2013, the CITY OF WOOD VILLAGE filed a ground water registration modification application to modify the place of use and recognize additional points of appropriation under Registration Application GR-1589 (Certificate of Registration GR-1537). The Department assigned the application number T-11618.
2. Notice of the application for ground water registration modification was published on June 25, 2013, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On February 18, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11618 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 18, 2014, 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 Groundwater Registration Modification.

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 April 10, 2014, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-11618 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department's weekly notice on April 15, 2014, and in the Oregonian newspaper on April 12 and 19, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The ground water registration to be modified is as follows:

**Registration:** GR-1589 (Certificate of Registration GR-1537), in the name of the CITY OF WOOD VILLAGE  
**Use:** MUNICIPAL USES  
**Tentative Priority Date:** NOVEMBER 1, 1942  
**Quantity:** 200 GALLONS PER MINUTE  
**Source:** WELL #1 within the ARATA CREEK BASIN

**Original Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	34	NE NE	580 FEET SOUTH AND 1225 FEET WEST FROM THE NE CORNER OF SECTION 34

**Original Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	27	SW NE
1 N	3 E	WM	27	SE NE
1 N	3 E	WM	27	SE NW
1 N	3 E	WM	27	NE SW
1 N	3 E	WM	27	SE SW
1 N	3 E	WM	27	NE SE
1 N	3 E	WM	27	NW SE
1 N	3 E	WM	27	SW SE
1 N	3 E	WM	27	SE SE
1 N	3 E	WM	34	NE NE
1 N	3 E	WM	34	NW NE
1 N	3 E	WM	34	SW NE
1 N	3 E	WM	34	SE NE
1 N	3 E	WM	34	NE NW
1 N	3 E	WM	34	SE NW

6. Ground Water Registration Modification Application T-11618 proposes additional points of appropriation approximately 1,100-1,700 feet from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	3 E	WM	27	NE SE	41	WELL 3: 1510 FEET NORTH AND 1290 FEET WEST FROM THE SE CORNER OF SECTION 27
1 N	3 E	WM	35	SE NW		WELL 2: 50 FEET SOUTH AND 440 FEET EAST FROM THE SE CORNER OF DUNBAR DLC 41

7. Ground Water Registration Modification Application T-11618 proposes to modify the place of use under the ground water registration to: WITHIN THE SERVICE BOUNDARIES OF THE CITY OF WOOD VILLAGE.

***Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]***

8. The proposed modifications would not result in enlargement of the ground water registration.
9. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
10. The proposed modifications would not result in injury to other water rights.

**Conclusions of Law**

The additional points of appropriation and modification in place of use proposed in Ground Water Registration Modification T-11618 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000

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

1. The modifications to Registration Application GR-1589 (Certificate of Registration GR-1537) proposed in Ground Water Registration Modification Application T-11618 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-1589 (Certificate of Registration GR-1537) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
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.

Dated at Salem, Oregon this 30 day of May, 2014.

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

Mailing Date: JUN 06 2014