

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-12586, Columbia County)	ADDITIONAL 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 SCAPPOOSE
33568 E. COLUMBIA AVE.
SCAPPOOSE OR 97056

Agent

GSI WATER SOLUTIONS, INC.
Attn: JASON MELADY
55 SW YAMHILL STREET, SUITE 300
PORTLAND OR 97204

Findings of Fact

1. On February 6, 2017, the City Of Scappoose filed an application for an additional point of appropriation under Certificate 91496. The Department assigned the application number T-12586.
2. Notice of the application for transfer was published on February 14, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 31, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12586 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 31, 2017, for the applicant to respond. On October 9, 2017, the agent for 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 transfer.
4. On November 21, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12586 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 28, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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.

5. The right to be transferred is as follows:

Certificate: 91496, in the name of the CITY OF SCAPPOOSE (perfected under Permit G-8615)

Use: MUNICIPAL USE

Priority Date: APRIL 30, 1979

Rate: 0.89 CUBIC FOOT PER SECOND

Source: A WELL within the SOUTH SCAPPOOSE CREEK BASIN

Authorized Point of Appropriation:

Twtp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	2 W	WM	13	NE SW	DUTCH CANYON WELL - 1470 FEET NORTH AND 1820 FEET EAST FROM THE SW CORNER OF SECTION 13

Authorized Place of Use:

MUNICIPAL				
Twtp	Rng	Mer	Sec	Q-Q
3 N	1 W	WM	7	NE SW
3 N	1 W	WM	7	NW SW
3 N	1 W	WM	7	SE SW
3 N	2 W	WM	1	SW SW
3 N	2 W	WM	1	SE SW
3 N	2 W	WM	2	SW SE
3 N	2 W	WM	2	SE SE
3 N	2 W	WM	11	NE NE
3 N	2 W	WM	11	NW NE
3 N	2 W	WM	11	SE NE
3 N	2 W	WM	11	NE NW
3 N	2 W	WM	11	NE SE
3 N	2 W	WM	11	NW SE
3 N	2 W	WM	11	SE SE
3 N	2 W	WM	12	NE NE
3 N	2 W	WM	12	NW NE
3 N	2 W	WM	12	SW NE
3 N	2 W	WM	12	SE NE
3 N	2 W	WM	12	NE NW
3 N	2 W	WM	12	NW NW
3 N	2 W	WM	12	SW NW
3 N	2 W	WM	12	SE NW
3 N	2 W	WM	12	NE SW
3 N	2 W	WM	12	NW SW
3 N	2 W	WM	12	SW SW
3 N	2 W	WM	12	SE SW
3 N	2 W	WM	12	NE SE
3 N	2 W	WM	12	NW SE
3 N	2 W	WM	12	SW SE
3 N	2 W	WM	12	SE SE
3 N	2 W	WM	13	NE NE
3 N	2 W	WM	13	NW NE
3 N	2 W	WM	13	SW NE
3 N	2 W	WM	13	SE NE
3 N	2 W	WM	13	NE NW
3 N	2 W	WM	13	NW NW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
3 N	2 W	WM	13	SW NW
3 N	2 W	WM	13	SE NW
3 N	2 W	WM	13	NE SW
3 N	2 W	WM	13	NW SW
3 N	2 W	WM	13	SW SW
3 N	2 W	WM	13	SE SW
3 N	2 W	WM	13	NW SE
3 N	2 W	WM	13	SW SE
3 N	2 W	WM	14	SE NE
3 N	2 W	WM	14	NE SW
3 N	2 W	WM	14	NW SW
3 N	2 W	WM	14	NE SE
3 N	2 W	WM	14	NW SE
3 N	2 W	WM	24	NW NE

6. Transfer Application T-12586 proposes to an additional point of appropriation southeast approximately 100 feet from the authorized Dutch Canyon Well located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 N	2 W	WM	13	NE SW	WELL DC-E - 1425 FEET NORTH AND 1855 FEET EAST FROM SW CORNER OF SECTION 13

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years prior to the submittal of Transfer Application T-12586 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.
8. A well, turbine pump and municipal 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-12586.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. The Department has determined that the proposed additional point of appropriation, Well DC-E, will develop the same source of water as the authorized existing Dutch Canyon Well.
12. The City of Scappoose is a municipality as defined in ORS Chapter 540.510(3)(b), Chapter 261 and a water supplier defined in ORS 448.115. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is not required to provide a report of ownership information.
13. All other application requirements are met.

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-12586 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 additional point of appropriation proposed in Transfer Application T-12586 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 91496 and any related decree.
3. Water right Certificate 91496 is cancelled.
4. The quantity of water diverted at the new additional point 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 shall be acquired from the same aquifer (water source) as the original point of appropriation (Dutch Canyon Well).
6. 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** (new and existing) points of appropriation.
 - 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.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2019**. 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.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

FEB 14 2018

Dated at Salem, Oregon this day _____.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

FEB 15 2018

Mailing date: _____