

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-9944, Marion County, Oregon)	ADDITIONAL POINTS OF
)	APPROPRIATION AND CHANGE 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 Aurora
21420 Main Street NE
Aurora, Oregon 97002

Findings of Fact

1. The City of Aurora filed a transfer application to add two additional points of appropriation for Certificate 81591. The application also proposes to revise the place of authorized use for Certificate 81591. The Department assigned the application number T-9944.
2. The right to be transferred is as follows:

Certificate: 81591 in the name of The City of Aurora (perfected under Permit G-9890)
Use: Municipal
Priority Date: May 19, 1982
Quantity: 0.56 cfs
Source: Well #4 (Liberty St.) in the Willamette River Basin

Authorized Point of Appropriation: City Well No. 4

Township		Range		Meridian	Sec	¼ ¼	Location
4	S	1	W	W.M.	13	SE NW	1,950 ft South & 2,530 ft East of NW Corner of Section 13

This is a final order in other than 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:

Township		Range		Meridian	Sec	¼ ¼	
4	S	1	W	W.M.	12	NE	SW
4	S	1	W	W.M.	12	NW	SW
4	S	1	W	W.M.	12	SW	SW
4	S	1	W	W.M.	12	SE	SW
4	S	1	W	W.M.	12	NW	SE
4	S	1	W	W.M.	12	SW	SE
4	S	1	W	W.M.	13	NW	NE
4	S	1	W	W.M.	13	SW	NE
4	S	1	W	W.M.	13	NE	NW
4	S	1	W	W.M.	13	NW	NW
4	S	1	W	W.M.	13	SW	NW
4	S	1	W	W.M.	13	SE	NW
4	S	1	W	W.M.	13	NE	SW
4	S	1	W	W.M.	13	NW	SW
4	S	1	W	W.M.	13	NW	SE

3. Application T-9944 proposes to add two points of appropriation for Certificate 81591 (existing City Well No. 3 and proposed City Well No. 5), approximately 300 feet northwest and 1,600 feet southwest, respectively, from City Well 4, the authorized point of appropriation. All wells are in the Pudding River Sub-basin of the Willamette River Basin. The points of appropriation to be added are:

Location of Proposed Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
4	S	1	W	W.M.	13	SE	NW	Well No. 3—795.27 feet North & 410.25 feet West from the center of Section 13.
4	S	1	W	W.M.	13	NE	NW	Proposed Well No. 5—1,700 feet North & 2,170 feet East from the SW corner of Section 13.

4. The maximum distance between the authorized point of appropriation and proposed added points of appropriation is about 1,600 feet (proposed Well 5).

5. Application T-9944 proposes to revise the authorized place of use to include the following:
Location of Proposed Place of Use:

Township		Range		Meridian	Sec	¼ ¼	
4	S	1	W	W.M.	12	All	SW
4	S	1	W	W.M.	12	NW	SE
4	S	1	W	W.M.	12	SW	SE
4	S	1	W	W.M.	13	NW	NE
4	S	1	W	W.M.	13	SW	NE
4	S	1	W	W.M.	13	All	NW
4	S	1	W	W.M.	13	NE	SW
4	S	1	W	W.M.	13	NW	SW
4	S	1	W	W.M.	13	SW	SW
4	S	1	W	W.M.	13	SE	SW
4	S	1	W	W.M.	13	NW	SE
4	S	1	W	W.M.	14	NE	SE
4	S	1	W	W.M.	14	SE	SE

6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. 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.
8. Pumps and distribution pipeline systems sufficient to use the full amount of water allowed under the existing right are present.
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.

Conclusions of Law

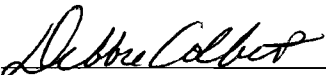
The changes in point of appropriation and place of use proposed in application T-9944 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The addition of two points of appropriation and the change in place of use proposed in application T-9944 are approved.
2. Water right certificate 81591 is cancelled.

3. 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 Certificate 81591.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
6. The quantity of water diverted at the additional two 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.
7. When required by the Department, the water user shall install and maintain in-line flow meter(s) or other suitable device(s) for measuring and recording the quantity of water appropriated. The type and plans of the measuring device(s) 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 3rd day of February, 2006.

For 
Phillip C. Ward
Director

Mailing date: FEB 15 2006