

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

In the Matter of Permit Amendment	)	FINAL ORDER APPROVING
T-10477, Clackamas, Multnomah and	)	A CHANGE IN POINT OF
Washington Counties	)	DIVERSION

**Authority**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of diversion and/or place of use authorized under an existing water right permit.

**Applicant**

WILLAMETTE RIVER WATER COALITION  
ATTN: AMANDA RICH  
PO BOX 745  
BEAVERTON, OR 97075

**Agent**

GSI WATER SOLUTIONS, INC.  
ATTN: ADAM SUSSMAN  
1600 SW WESTERN BLVD., STE. 240  
CORVALLIS, OR 97333

**Findings of Fact**

1. On October 24, 2007, the Willamette River Water Coalition filed an application to amend the point of diversion under Permit S-49240. The Department assigned the application number T-10477.
2. The permit to be amended is as follows:

**Permit:** S-49240 (Application S-50693), in the name of WILLAMETTE RIVER WATER COALITION, *as assigned on May 22, 2007*

**Use:** MUNICIPAL and INDUSTRIAL

**Priority Date:** JUNE 19, 1973

**Quantity:** 202.0 CUBIC FEET PER SECOND (CFS)

**Source:** WILLAMETTE RIVER, a tributary of Columbia River

**Date for Completion of Construction**

**and Complete Application of Water:** October 1, 2047

**Authorized Point of Diversion:**

Twsp	Rng	Mer	Sec	¼ ¼	Location
3 S	1 W	WM	22	NE SE	3350 feet South and 400 feet West from the NE corner of Section 22

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 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:**

Twp	Rng	Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$
1 N	1 W	WM	4	All
1 N	1 W	WM	5	All
1 N	1 W	WM	6	All
1 N	1 W	WM	7	All
1 N	1 W	WM	8	All
1 N	1 W	WM	9	All
1 N	1 W	WM	10	All
1 N	1 W	WM	15	All
1 N	1 W	WM	16	All
1 N	1 W	WM	17	All
1 N	1 W	WM	18	All
1 N	1 W	WM	19	All
1 N	1 W	WM	20	All
1 N	1 W	WM	21	All
1 N	1 W	WM	22	All
1 N	1 W	WM	23	All
1 N	1 W	WM	25	All
1 N	1 W	WM	26	All
1 N	1 W	WM	27	All
1 N	1 W	WM	28	All
1 N	1 W	WM	29	All
1 N	1 W	WM	30	All
1 N	1 W	WM	31	All
1 N	1 W	WM	32	All
1 N	1 W	WM	33	All
1 N	1 W	WM	34	All
1 N	1 W	WM	35	All
1 N	1 W	WM	36	All
1 N	2 W	WM	1	All
1 N	2 W	WM	2	All
1 N	2 W	WM	3	All
1 N	2 W	WM	10	All
1 N	2 W	WM	11	All
1 N	2 W	WM	12	All
1 N	2 W	WM	13	All

Twp	Rng	Mer	Sec	¼ ¼
1 N	2 W	WM	14	All
1 N	2 W	WM	15	All
1 N	2 W	WM	22	All
1 N	2 W	WM	23	All
1 N	2 W	WM	24	All
1 N	2 W	WM	25	All
1 N	2 W	WM	26	All
1 N	2 W	WM	27	All
1 N	2 W	WM	34	All
1 N	2 W	WM	35	All
1 N	2 W	WM	36	All
1 N	1 E	WM	31	All
2 N	1 W	WM	31	All
2 N	1 W	WM	32	All
1 S	1 W	WM	1	All
1 S	1 W	WM	2	All
1 S	1 W	WM	3	All
1 S	1 W	WM	4	All
1 S	1 W	WM	5	All
1 S	1 W	WM	6	All
1 S	1 W	WM	7	All
1 S	1 W	WM	8	All
1 S	1 W	WM	9	All
1 S	1 W	WM	10	All
1 S	1 W	WM	11	All
1 S	1 W	WM	12	All
1 S	1 W	WM	13	All
1 S	1 W	WM	14	All
1 S	1 W	WM	15	All
1 S	1 W	WM	16	All
1 S	1 W	WM	17	All
1 S	1 W	WM	18	All
1 S	1 W	WM	19	All
1 S	1 W	WM	20	All
1 S	1 W	WM	21	All
1 S	1 W	WM	22	All
1 S	1 W	WM	23	All

Twp	Rng	Mer	Sec	¼ ¼
1 S	1 W	WM	24	All
1 S	1 W	WM	25	All
1 S	1 W	WM	26	All
1 S	1 W	WM	27	All
1 S	1 W	WM	28	All
1 S	1 W	WM	29	All
1 S	1 W	WM	30	All
1 S	1 W	WM	31	All
1 S	1 W	WM	32	All
1 S	1 W	WM	33	All
1 S	1 W	WM	34	All
1 S	1 W	WM	35	All
1 S	1 W	WM	36	All
1 S	2 W	WM	1	All
1 S	2 W	WM	2	All
1 S	2 W	WM	3	All
1 S	2 W	WM	10	All
1 S	2 W	WM	11	All
1 S	2 W	WM	12	All
1 S	2 W	WM	13	All
1 S	2 W	WM	14	All
1 S	2 W	WM	15	All
1 S	2 W	WM	22	All
1 S	2 W	WM	23	All
1 S	2 W	WM	24	All
1 S	2 W	WM	25	All
1 S	2 W	WM	26	All
1 S	2 W	WM	27	All
1 S	2 W	WM	34	All
1 S	2 W	WM	35	All
1 S	2 W	WM	36	All
1 S	1 E	WM	6	All
1 S	1 E	WM	7	All
1 S	1 E	WM	18	All
1 S	1 E	WM	19	All
1 S	1 E	WM	30	All
1 S	1 E	WM	31	All

Twp	Rng	Mer	Sec	¼ ¼
2 S	1 W	WM	1	All
2 S	1 W	WM	2	All
2 S	1 W	WM	3	All
2 S	1 W	WM	4	All
2 S	1 W	WM	5	All
2 S	1 W	WM	6	All
2 S	1 W	WM	7	All
2 S	1 W	WM	8	All
2 S	1 W	WM	9	All
2 S	1 W	WM	10	All
2 S	1 W	WM	11	All
2 S	1 W	WM	12	All
2 S	1 W	WM	13	All
2 S	1 W	WM	14	All
2 S	1 W	WM	15	All
2 S	1 W	WM	16	All
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2 S	1 W	WM	18	All
2 S	1 W	WM	19	All
2 S	1 W	WM	20	All
2 S	1 W	WM	21	All
2 S	1 W	WM	22	All
2 S	1 W	WM	23	All
2 S	1 W	WM	24	All
2 S	1 W	WM	25	All
2 S	1 W	WM	26	All
2 S	1 W	WM	27	All
2 S	1 W	WM	28	All
2 S	1 W	WM	29	All
2 S	1 W	WM	30	All
2 S	1 W	WM	31	All
2 S	1 W	WM	32	All
2 S	1 W	WM	33	All
2 S	1 W	WM	34	All
2 S	1 W	WM	35	All
2 S	1 W	WM	36	All
2 S	2 W	WM	1	All

Twp	Rng	Mer	Sec	¼ ¼
2 S	2 W	WM	2	All
2 S	2 W	WM	3	All
2 S	2 W	WM	10	All
2 S	2 W	WM	11	All
2 S	2 W	WM	12	All
2 S	1 E	WM	6	All
2 S	1 E	WM	7	All
2 S	1 E	WM	18	All
2 S	1 E	WM	19	All
2 S	1 E	WM	30	All
2 S	1 E	WM	31	All
3 S	1 W	WM	4	All
3 S	1 W	WM	10	NE NW
3 S	1 W	WM	10	NW NW
3 S	1 W	WM	10	SW NW
3 S	1 W	WM	10	SE NW
3 S	1 W	WM	10	NE SW
3 S	1 W	WM	10	NW SW
3 S	1 W	WM	10	SW SW
3 S	1 W	WM	10	SE SW
3 S	1 W	WM	15	NE NW
3 S	1 W	WM	15	NW NW
3 S	1 W	WM	15	SW NW
3 S	1 W	WM	15	SE NW
3 S	1 W	WM	15	NE SW
3 S	1 W	WM	15	NW SW
3 S	1 W	WM	15	SW SW
3 S	1 W	WM	15	SE SW
3 S	1 W	WM	22	NE NW
3 S	1 W	WM	22	NW NW
3 S	1 W	WM	22	SW NW
3 S	1 W	WM	22	SE NW
3 S	1 W	WM	22	NE SW
3 S	1 W	WM	22	NW SW
3 S	1 W	WM	22	SW SW
3 S	1 W	WM	22	SE SW
3 S	1 W	WM	25	NE SW

Twp	Rng	Mer	Sec	¼ ¼
3 S	1 W	WM	25	NW SW
3 S	1 W	WM	25	SW SW
3 S	1 W	WM	25	SE SW
3 S	1 W	WM	25	NE SE
3 S	1 W	WM	25	NW SE
3 S	1 W	WM	25	SW SE
3 S	1 W	WM	25	SE SE
3 S	1 W	WM	26	NE SW
3 S	1 W	WM	26	NW SW
3 S	1 W	WM	26	SW SW
3 S	1 W	WM	26	SE SW
3 S	1 W	WM	26	NE SE
3 S	1 W	WM	26	NW SE
3 S	1 W	WM	26	SW SE
3 S	1 W	WM	26	SE SE
3 S	1 W	WM	27	NE SW
3 S	1 W	WM	27	NW SW
3 S	1 W	WM	27	SW SW
3 S	1 W	WM	27	SE SW
3 S	1 W	WM	27	NE SE
3 S	1 W	WM	27	NW SE
3 S	1 W	WM	27	SW SE
3 S	1 W	WM	27	SE SE
3 S	1 E	WM	6	All
3 S	1 E	WM	7	All
3 S	1 E	WM	18	NE NE
3 S	1 E	WM	18	NW NE
3 S	1 E	WM	18	SW NE
3 S	1 E	WM	18	SE NE
3 S	1 E	WM	18	NE NW
3 S	1 E	WM	18	SE NW
3 S	1 E	WM	18	NE SW
3 S	1 E	WM	18	SE SW
3 S	1 E	WM	18	NE SE
3 S	1 E	WM	18	NW SE
3 S	1 E	WM	18	SW SE
3 S	1 E	WM	18	SE SE

Twp	Rng	Mer	Sec	¼ ¼
3 S	1 E	WM	19	NE NE
3 S	1 E	WM	19	NW NE
3 S	1 E	WM	19	SW NE
3 S	1 E	WM	19	SE NE
3 S	1 E	WM	19	NE NW
3 S	1 E	WM	19	SE NW
3 S	1 E	WM	19	NE SW
3 S	1 E	WM	19	SE SW
3 S	1 E	WM	19	NE SE
3 S	1 E	WM	19	NW SE
3 S	1 E	WM	19	SW SE
3 S	1 E	WM	19	SE SE
3 S	1 E	WM	30	NE NE
3 S	1 E	WM	30	NW NE
3 S	1 E	WM	30	SW NE
3 S	1 E	WM	30	SE NE
3 S	1 E	WM	30	NE NW
3 S	1 E	WM	30	SE NW
3 S	1 E	WM	30	NE SW
3 S	1 E	WM	30	SE SW
3 S	1 E	WM	30	NE SE
3 S	1 E	WM	30	NW SE
3 S	1 E	WM	30	SW SE
3 S	1 E	WM	30	SE SE

3. Application T-10477 proposes to move the point of diversion of the permit downstream approximately 900 feet to:

Twp	Rng	Mer	Sec	¼ ¼	Location
3 S	1 W	WM	23	NW SW	3391.36 feet South and 495.26 feet East from the NW corner of Section 23

4. Notice of the application for the permit amendment was published in the Department's weekly notice on October 30, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were



diverted and that the diversion is currently equipped with an appropriate fish screening and/or by-pass device.

6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.

#### **Conclusion of Law**

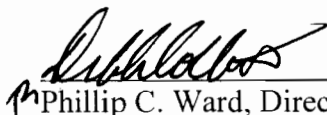
The change in point of diversion proposed by Permit Amendment Application T-10477 is consistent with the requirements of ORS 537.211.

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

The change and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
2. Prior to diverting water, the water user shall install an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.
3. Water shall be acquired from the same surface water source as the original point of diversion.
4. The water user shall maintain and operate a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's operational and maintenance standards.
5. All other terms and conditions of Permit S-49240 remain the same.
6. Permit S-49240, in the name of the Willamette River Water Coalition, is amended as described herein.

Dated at Salem, Oregon this 25<sup>th</sup> day of June, 2008.

  
Phillip C. Ward, Director

Mailing Date: JUN 27 2008