

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-10787, Multnomah County)	ADDITIONAL POINTS OF
)	APPROPRIATION AND
)	CANCELLATION OF A WATER
)	RIGHT

Authority

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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

Applicant

COLUMBIA-EDGEWATER COUNTRY CLUB
2220 NE MARINE DR
PORTLAND, OR 97211

Findings of Fact

Background

1. On February 23, 2009, COLUMBIA-EDGEWATER COUNTRY CLUB filed an application for additional points of appropriation under Certificate 41881. The Department assigned the application number T-10787.
2. On March 4, 2009, the applicant submitted aerial photographs to document evidence of use.
3. The right to be transferred is as follows:

Certificate: 41881 in the name of COLUMBIA EDGEWATER COUNTRY CLUB
(perfected under Permit G-3772)
Use: IRRIGATION of 140.2 ACRES
Priority Date: AUGUST 7, 1967
Rate: 1.75 CUBIC FEET PER SECOND

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.

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL within the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	1 E	WM	2	NE SE	73	WELL 2 (MULT 918): 1200 FEET SOUTH AND 180 FEET EAST FROM THE NW CORNER OF WILSON DLC 73

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	1 E	WM	2	SW NE		39	14.6
1 N	1 E	WM	2	SE NE		73	8.6
1 N	1 E	WM	2	SE NE		39	1.4
1 N	1 E	WM	2	SE NW		39	0.4
1 N	1 E	WM	2	NE SW		39	6.4
1 N	1 E	WM	2	NE SE		73	26.2
1 N	1 E	WM	2	NE SE		39	3.6
1 N	1 E	WM	2	NW SE		39	40.0
1 N	1 E	WM	2	SW SE		39	12.6
1 N	1 E	WM	2	SE SE	5		17.0
1 N	1 E	WM	2	SE SE		73	7.6
1 N	1 E	WM	2	SE SE		39	1.8

4. Transfer Application T-10787 proposes additional points of appropriation approximately 1600 to 2000 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
1 N	1 E	WM	2	NW SE		39	WELL 1 (MULT 916): 1650 FEET NORTH AND 2350 FEET WEST FROM THE SE CORNER OF SECTION 2
1 N	1 E	WM	2	NW SE		39	WELL 3 (MULT 921): 1670 FEET NORTH AND 2390 FEET WEST FROM THE SE CORNER OF SECTION 2
1 N	1 E	WM	2	SW SE		39	WELL 4: 750 FEET NORTH AND 2310 FEET WEST FROM THE SE CORNER OF SECTION 2
1 N	1 E	WM	2	SE SE	5		WELL 5 : 500 FEET NORTH AND 1120 FEET WEST FROM THE SE CORNER OF SECTION 2

5. Notice of the application for transfer was published on March 10, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

6. On December 22, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10787 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 29, 2010, for the applicant to respond. The applicant requested ten years to complete the proposed changes. 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.
7. On April 23, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10787 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 April 27, 2010, and in the Oregonian newspaper on May 6, 13, and 20, 2010, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years 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.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-10787.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.

Cancellation of a Water Right

12. On April 19, 2010, an affidavit certifying that an entire water right has been abandoned and requesting cancellation of the right was received from the applicant. The right to be cancelled is as follows:

Certificate: 46490 in the name of COLUMBIA EDGEWATER COUNTRY CLUB
(perfected under Permit G-5153)
Use: SUPPLEMENTAL IRRIGATION of 140.2 ACRES
Priority Date: APRIL 6, 1973
Rate: 1.75 CUBIC FEET PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: Well 1 and Well 3 in the COLUMBIA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	1 E	WM	2	NW SE	39	WELL 1 - 620 FEET NORTH AND 1090 FEET WEST FROM THE SW CORNER OF SARAH WILSON DLC 73
1 N	1 E	WM	2	NW SE		WELL 3 - 680 FEET NORTH AND 1210 FEET WEST FROM THE SW CORNER OF SARAH WILSON DLC 73

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 N	1 E	WM	2	SW NE		39	14.6
1 N	1 E	WM	2	SE NE		73	8.6
1 N	1 E	WM	2	SE NE		39	1.4
1 N	1 E	WM	2	SE NW		39	0.4
1 N	1 E	WM	2	NE SW		39	6.4
1 N	1 E	WM	2	NE SE		73	26.2
1 N	1 E	WM	2	NE SE		39	3.6
1 N	1 E	WM	2	NW SE		39	40.0
1 N	1 E	WM	2	SW SE		39	12.6
1 N	1 E	WM	2	SE SE	5		17.0
1 N	1 E	WM	2	SE SE		73	7.6
1 N	1 E	WM	2	SE SE		39	1.8

Conclusions of Law

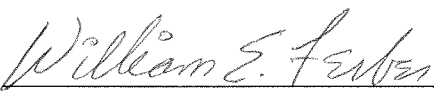
The additional points of appropriation proposed in Transfer Application T-10787 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and the abandoned right should be cancelled.

Now, therefore, it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-10787 are approved. The right that has been abandoned is cancelled.
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 41881 and any related decree.
3. Water right certificates 41881 and 46490 are cancelled.
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 points 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.
 - 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The proposed wells shall develop the unconsolidated sedimentary aquifer that occurs approximately between land surface and 170 feet below land surface.
8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2020**. 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.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 23rd day of June 2010.


for Phillip C. Ward, Director

Mailing Date: JUN 24 2010

