

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-11617, Multnomah County)	ADDITIONAL POINTS OF
)	APPROPRIATION AND A CHANGE IN
)	PLACE OF USE

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.

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 an application for additional points of appropriation and to change the place of use under Certificates 41557, 56629, and 68268. The Department assigned the application number T-11617.
2. Notice of the application for transfer was published on June 25, 2013, pursuant to OAR 690-380-4000. 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 Transfer Application T-11617 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 18, 2014, for the applicant to respond.
4. On March 3, 2014, the Department received a letter from the applicant requesting that the completion date be changed from "October 1, 2019" to "October 1, 2024", requesting that the Department proceed with issuance of a Preliminary Determination and providing the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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. On April 10, 2014, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11617 and sent 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 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.
6. The first right to be transferred is as follows:

Certificate: 41557 in the name of CITY OF WOOD VILLAGE (perfected under Permit G-4172)
Use: MUNICIPAL
Priority Date: JUNE 3, 1968
Rate: 0.75 CUBIC FOOT PER SECOND
Source: WELL No. 2, a tributary of SANDY RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	35	SE NW	50 FEET SOUTH AND 440 FEET EAST FROM THE SE CORNER OF DUNBAR DLC 41

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	26	NW SW
1 N	3 E	WM	26	SW SW
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	SW 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	NW NW
1 N	3 E	WM	35	NW NW
1 N	3 E	WM	35	SW NW

7. Transfer Application T-11617 proposes additional points of appropriation approximately $\frac{1}{4}$ to $\frac{1}{2}$ mile from the existing point of appropriation in Certificate 41557 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	27	NE SE	WELL 3: 1510 FEET NORTH AND 1290 FEET WEST FROM THE SE CORNER OF SECTION 27

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

8. The second right to be transferred is as follows:

Certificate: 56629 in the name of CITY OF WOOD VILLAGE (perfected under Permit G-8938)
Use: MUNICIPAL USES
Priority Date: DECEMBER 10, 1979
Rate: 1.114 CUBIC FOOT PER SECOND
Source: WELL #3 in the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	3 E	WM	27	NE SE	41	1510 FEET NORTH AND 1290 FEET WEST FROM THE SE CORNER OF SECTION 27

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	26	SW NW
1 N	3 E	WM	26	NW SW
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	SW 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	NW NW
1 N	3 E	WM	34	SE NW
1 N	3 E	WM	35	NW NW
1 N	3 E	WM	35	SW NW

41
41
41
41

9. Transfer Application T-11617 proposes additional points of appropriation approximately $\frac{1}{4}$ to $\frac{1}{2}$ mile from the existing point of appropriation in Certificate 56629 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	3 E	WM	34	NE NE		WELL 1: 1225 FEET WEST AND 580 FEET SOUTH FROM THE NE CORNER OF SECTION 34
1 N	3 E	WM	35	SE NW	41	WELL 2: 50 FEET SOUTH AND 440 FEET EAST FROM THE SE CORNER OF DUNBAR DLC 41

10. The third right to be transferred is as follows:

Certificate: 68268 in the name of CITY OF WOOD VILLAGE (perfected under Permit G-10271)
Use: MUNICIPAL USE
Priority Date: OCTOBER 13, 1983
Rate: 300 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.
Source: WELL THREE in the COLUMBIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	3 E	WM	27	NE SE	41	1510 FEET NORTH AND 1290 FEET WEST FROM THE SE CORNER OF SECTION 27

Authorized Place of Use:

MUNICIPAL USE WITHIN WOOD VILLAGE SERVICE BOUNDARY				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	26	SW NW
1 N	3 E	WM	26	NW SW
1 N	3 E	WM	26	SW SW
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	SW 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	NW NW
1 N	3 E	WM	34	SW NW
1 N	3 E	WM	34	SE NW

MUNICIPAL USE				
WITHIN WOOD VILLAGE SERVICE BOUNDARY				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	35	NW NW
1 N	3 E	WM	35	SW NW

11. Transfer Application T-11617 proposes additional points of appropriation approximately ¼ to ½ mile from the existing point of appropriation in Certificate 68268 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
1 N	3 E	WM	34	NE NE		WELL 1: 1225 FEET WEST AND 580 FEET SOUTH FROM THE NE CORNER OF SECTION 34
1 N	3 E	WM	35	SE NW	41	WELL 2: 50 FEET SOUTH AND 440 FEET EAST FROM THE SE CORNER OF DUNBAR DLC 41

12. Transfer Application T-11617 also proposes to change the place of use of the right to:
WITHIN THE SERVICE BOUNDARIES OF THE CITY OF WOOD VILLAGE.

Transfer Review Criteria (OAR 690-380-4010)

13. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
14. A pump, pipeline, and delivery system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11617.
15. The proposed changes would not result in enlargement of the rights.
16. The proposed changes would not result in injury to other water rights.
17. All other application requirements are met.

Conclusions of Law

The additional points of appropriation and change in place of use proposed in Transfer Application T-11617 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 additional points of appropriation and change in place of use proposed in Transfer Application T-11617 are 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 Certificates 41557, 56629, and 68268 and any related decree.

3. Water right certificates 41557, 56629, and 68268 are cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points 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 (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. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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 changes and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

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



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

Mailing Date: JUN 06 2014