

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

In the Matter of Ground Water	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF ADDITIONAL
T-10990, Washington County	)	POINTS OF APPROPRIATION AND
	)	MODIFYING THE PLACE OF USE

**Authority**

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

**Applicant**

CITY OF BEAVERTON  
4755 SW GRIFFITH DR  
BEAVERTON, OR 97005

**Findings of Fact**

**Background**

1. On December 14, 2009, the CITY OF BEAVERTON filed a ground water registration modification application for additional points of appropriation for Wells 1 and 2 and to modify the place of use under Registration Application GR-343 (Certificate of Registration GR-328). The Department assigned the application number T-10990.
2. The ground water registration to be modified is as follows:  
**Registration:** Application GR-343 (Certificate of Registration GR-328), in the name of the CITY OF BEAVERTON  
**Use:** MUNICIPAL USE  
**Tentative  
Priority Date:** 1932 FOR WELL 1 AND 1945 FOR WELL 2  
**Quantity:** 400 GALLONS PER MINUTE FROM WELL 1 AND 950 GALLONS PER MINUTE FROM WELL 2  
**Source:** WELL 1 within the GOLF CREEK BASIN and WELL 2 within FANNO CREEK BASIN

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.

**Original Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	1 W	WM	11	NE SW	WELL 1 (WASH 8791) - 220 FEET SOUTH AND 2550 FEET EAST FROM THE W¼ CORNER OF SECTION 11
1 S	1 W	WM	21	SE SW	WELL 2 (WASH 8988) - 460 FEET NORTH AND 2500 FEET EAST FROM THE SW CORNER OF SECTION 21

**Original Place of Use:**

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	14	NE NE
1 S	1 W	WM	14	NW NE
1 S	1 W	WM	14	NE NW
1 S	1 W	WM	14	NW NW
1 S	1 W	WM	15	NE NW
1 S	1 W	WM	15	NW NW
1 S	1 W	WM	15	SW NW
1 S	1 W	WM	15	SE NW
1 S	1 W	WM	15	NE SW
1 S	1 W	WM	15	NW SW
1 S	1 W	WM	15	SW SW
1 S	1 W	WM	15	SE SW
1 S	1 W	WM	16	NE NE
1 S	1 W	WM	16	NW NE
1 S	1 W	WM	16	SW NE
1 S	1 W	WM	16	SE NE
1 S	1 W	WM	16	NE SE
1 S	1 W	WM	16	NW SE
1 S	1 W	WM	16	SW SE
1 S	1 W	WM	16	SE SE
1 S	1 W	WM	21	NE NE
1 S	1 W	WM	21	NW NE
1 S	1 W	WM	21	SW NE
1 S	1 W	WM	21	SE NE
1 S	1 W	WM	22	NE NW
1 S	1 W	WM	22	NW NW
1 S	1 W	WM	22	SW NW
1 S	1 W	WM	22	SE NW

3. Ground Water Registration Modification Application T-10990 proposes six additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	1 W	WM	21	SE SW	ASR 2 (WASH 55918) - 235 FEET NORTH AND 2430 FEET EAST FROM THE SW CORNER OF SECTION 21
2 S	1 W	WM	5	SW NW	ASR 3 (WASH 57952) - 1180 FEET NORTH AND 185 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 5
1 S	1 W	WM	21	SW SE	ASR 4 (WASH 61319) - 480 FEET NORTH AND 2445 FEET WEST FROM THE SE CORNER OF SECTION 21
1 S	1 W	WM	28	SW NW	ASR 5 - 1435 FEET SOUTH AND 335 FEET EAST FROM THE NW CORNER OF SECTION 28
1 S	1 W	WM	20	SW NW	DERNBACH WELL (ASR 6) - 1360 FEET SOUTH AND 925 FEET EAST FROM THE NW CORNER OF SECTION 20
1 S	1 W	WM	30	NW SW	ASR 7 - 1750 FEET NORTH AND 635 FEET EAST FROM THE SW CORNER OF SECTION 30

4. Ground Water Registration Modification Application T-10990 also proposes to modify the place of use under the ground water registration to:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	5	SE SW
1 S	1 W	WM	5	SW SE
1 S	1 W	WM	7	NE NE
1 S	1 W	WM	7	SW NE
1 S	1 W	WM	7	SE NE
1 S	1 W	WM	7	NE SE
1 S	1 W	WM	7	NW SE
1 S	1 W	WM	8	NE NE
1 S	1 W	WM	8	NW NE
1 S	1 W	WM	8	SW NE
1 S	1 W	WM	8	SE NE
1 S	1 W	WM	8	NE NW
1 S	1 W	WM	8	NW NW
1 S	1 W	WM	8	SW NW
1 S	1 W	WM	8	SE NW
1 S	1 W	WM	8	NE SW
1 S	1 W	WM	8	NW SW
1 S	1 W	WM	8	SW SW
1 S	1 W	WM	8	SE SW
1 S	1 W	WM	8	NE SE
1 S	1 W	WM	8	NW SE
1 S	1 W	WM	8	SW SE
1 S	1 W	WM	8	SE SE
1 S	1 W	WM	9	SW NE
1 S	1 W	WM	9	SE NE
1 S	1 W	WM	9	NW NW
1 S	1 W	WM	9	SW SW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	9	SE SW
1 S	1 W	WM	9	NE SE
1 S	1 W	WM	9	NW SE
1 S	1 W	WM	9	SW SE
1 S	1 W	WM	9	SE SE
1 S	1 W	WM	10	SW NE
1 S	1 W	WM	10	SE NE
1 S	1 W	WM	10	NE SW
1 S	1 W	WM	10	NW SW
1 S	1 W	WM	10	SW SW
1 S	1 W	WM	10	SE SW
1 S	1 W	WM	10	NE SE
1 S	1 W	WM	10	NW SE
1 S	1 W	WM	10	SW SE
1 S	1 W	WM	14	SW NE
1 S	1 W	WM	14	NE NW
1 S	1 W	WM	14	SW NW
1 S	1 W	WM	14	SE NW
1 S	1 W	WM	14	NE SW
1 S	1 W	WM	14	NW SW
1 S	1 W	WM	14	SW SW
1 S	1 W	WM	14	SE SW
1 S	1 W	WM	14	NW SE
1 S	1 W	WM	14	SW SE
1 S	1 W	WM	15	NE NE
1 S	1 W	WM	15	NW NE
1 S	1 W	WM	15	SW NE
1 S	1 W	WM	15	SE NE
1 S	1 W	WM	15	NE NW
1 S	1 W	WM	15	NW NW
1 S	1 W	WM	15	SW NW
1 S	1 W	WM	15	SE NW
1 S	1 W	WM	15	NE SW
1 S	1 W	WM	15	NW SW
1 S	1 W	WM	15	SW SW
1 S	1 W	WM	15	SE SW
1 S	1 W	WM	15	NE SE
1 S	1 W	WM	15	NW SE
1 S	1 W	WM	15	SW SE
1 S	1 W	WM	15	SE SE
1 S	1 W	WM	16	NE NE
1 S	1 W	WM	16	NW NE
1 S	1 W	WM	16	SW NE
1 S	1 W	WM	16	SE NE
1 S	1 W	WM	16	NE NW
1 S	1 W	WM	16	NW NW
1 S	1 W	WM	16	SW NW
1 S	1 W	WM	16	SE NW
1 S	1 W	WM	16	NE SW
1 S	1 W	WM	16	NW SW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	16	SW SW
1 S	1 W	WM	16	SE SW
1 S	1 W	WM	16	NE SE
1 S	1 W	WM	16	NW SE
1 S	1 W	WM	16	SW SE
1 S	1 W	WM	16	SE SE
1 S	1 W	WM	17	NE NE
1 S	1 W	WM	17	NW NE
1 S	1 W	WM	17	SE NE
1 S	1 W	WM	17	NE NW
1 S	1 W	WM	17	NE SW
1 S	1 W	WM	17	SW SW
1 S	1 W	WM	17	SE SW
1 S	1 W	WM	17	NE SE
1 S	1 W	WM	17	SW SE
1 S	1 W	WM	17	SE SE
1 S	1 W	WM	20	NE NE
1 S	1 W	WM	20	NW NE
1 S	1 W	WM	20	SW NE
1 S	1 W	WM	20	SE NE
1 S	1 W	WM	20	NE NW
1 S	1 W	WM	20	NW NW
1 S	1 W	WM	20	SW NW
1 S	1 W	WM	20	SE NW
1 S	1 W	WM	20	NE SW
1 S	1 W	WM	20	SE SW
1 S	1 W	WM	20	NE SE
1 S	1 W	WM	20	NW SE
1 S	1 W	WM	20	SW SE
1 S	1 W	WM	20	SE SE
1 S	1 W	WM	21	NE NE
1 S	1 W	WM	21	NW NE
1 S	1 W	WM	21	SW NE
1 S	1 W	WM	21	SE NE
1 S	1 W	WM	21	NE NW
1 S	1 W	WM	21	NW NW
1 S	1 W	WM	21	SW NW
1 S	1 W	WM	21	SE NW
1 S	1 W	WM	21	NE SW
1 S	1 W	WM	21	NW SW
1 S	1 W	WM	21	SW SW
1 S	1 W	WM	21	SE SW
1 S	1 W	WM	21	NE SE
1 S	1 W	WM	21	NW SE
1 S	1 W	WM	21	SW SE
1 S	1 W	WM	21	SE SE
1 S	1 W	WM	22	NE NE
1 S	1 W	WM	22	NW NE
1 S	1 W	WM	22	SW NE
1 S	1 W	WM	22	SE NE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	22	NE NW
1 S	1 W	WM	22	NW NW
1 S	1 W	WM	22	SW NW
1 S	1 W	WM	22	SE NW
1 S	1 W	WM	22	NE SW
1 S	1 W	WM	22	NW SW
1 S	1 W	WM	22	SW SW
1 S	1 W	WM	22	SE SW
1 S	1 W	WM	22	NE SE
1 S	1 W	WM	22	NW SE
1 S	1 W	WM	22	SW SE
1 S	1 W	WM	22	SE SE
1 S	1 W	WM	23	NW NE
1 S	1 W	WM	23	SW NE
1 S	1 W	WM	23	NE NW
1 S	1 W	WM	23	NW NW
1 S	1 W	WM	23	SW NW
1 S	1 W	WM	23	SE NW
1 S	1 W	WM	23	NW SW
1 S	1 W	WM	27	NE NE
1 S	1 W	WM	27	NW NE
1 S	1 W	WM	27	SW NE
1 S	1 W	WM	27	SE NE
1 S	1 W	WM	27	NE NW
1 S	1 W	WM	27	NW NW
1 S	1 W	WM	27	SW NW
1 S	1 W	WM	27	SE NW
1 S	1 W	WM	27	NE SW
1 S	1 W	WM	27	NW SW
1 S	1 W	WM	27	SW SW
1 S	1 W	WM	27	SE SW
1 S	1 W	WM	27	NE SE
1 S	1 W	WM	27	NW SE
1 S	1 W	WM	27	SW SE
1 S	1 W	WM	27	SE SE
1 S	1 W	WM	28	NE NE
1 S	1 W	WM	28	NW NE
1 S	1 W	WM	28	SW NE
1 S	1 W	WM	28	SE NE
1 S	1 W	WM	28	NE NW
1 S	1 W	WM	28	NW NW
1 S	1 W	WM	28	SW NW
1 S	1 W	WM	28	SE NW
1 S	1 W	WM	28	NE SW
1 S	1 W	WM	28	NW SW
1 S	1 W	WM	28	SW SW
1 S	1 W	WM	28	SE SW
1 S	1 W	WM	28	NE SE
1 S	1 W	WM	28	NW SE
1 S	1 W	WM	28	SW SE

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	28	SE SE
1 S	1 W	WM	29	NE NE
1 S	1 W	WM	29	NW NE
1 S	1 W	WM	29	SW NE
1 S	1 W	WM	29	SE NE
1 S	1 W	WM	29	SW NW
1 S	1 W	WM	29	SE NW
1 S	1 W	WM	29	NE SW
1 S	1 W	WM	29	NW SW
1 S	1 W	WM	29	SW SW
1 S	1 W	WM	29	SE SW
1 S	1 W	WM	29	NE SE
1 S	1 W	WM	29	NW SE
1 S	1 W	WM	29	SW SE
1 S	1 W	WM	29	SE SE
1 S	1 W	WM	30	SE NE
1 S	1 W	WM	30	NE SE
1 S	1 W	WM	32	NE NE
1 S	1 W	WM	32	NW NE
1 S	1 W	WM	32	SW NE
1 S	1 W	WM	32	SE NE
1 S	1 W	WM	32	NE NW
1 S	1 W	WM	32	NW NW
1 S	1 W	WM	32	SW NW
1 S	1 W	WM	32	SE NW
1 S	1 W	WM	32	NE SW
1 S	1 W	WM	32	NW SW
1 S	1 W	WM	32	SW SW
1 S	1 W	WM	32	SE SW
1 S	1 W	WM	32	NE SE
1 S	1 W	WM	32	NW SE
1 S	1 W	WM	32	SW SE
1 S	1 W	WM	32	SE SE
1 S	1 W	WM	33	NE NE
1 S	1 W	WM	33	NW NE
1 S	1 W	WM	33	SW NE
1 S	1 W	WM	33	SE NE
1 S	1 W	WM	33	NE NW
1 S	1 W	WM	33	NW NW
1 S	1 W	WM	33	SW NW
1 S	1 W	WM	33	SE NW
1 S	1 W	WM	33	NE SW
1 S	1 W	WM	33	NW SW
1 S	1 W	WM	33	SW SW
1 S	1 W	WM	34	NE NE
1 S	1 W	WM	34	NW NE
1 S	1 W	WM	34	NE NW
1 S	1 W	WM	34	NW NW
1 S	1 W	WM	34	SW NW
2 S	1 W	WM	4	NW NW

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	5	NE NE
2 S	1 W	WM	5	NW NE
2 S	1 W	WM	5	SW NE
2 S	1 W	WM	5	SE NE
2 S	1 W	WM	5	NE NW
2 S	1 W	WM	5	NW NW
2 S	1 W	WM	5	SW NW
2 S	1 W	WM	5	SE NW
2 S	1 W	WM	6	SE NE

5. Notice of the application for ground water registration modification was published on December 29, 2009, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
6. On November 27, 2013, the Department mailed a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-10990 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 30, 2013, for the applicants to respond.
7. On February 12, 2014, the Department resent a copy of the draft Preliminary Determination to the applicant. The applicant's agent requested additional time to meet with the applicant and review the draft Preliminary Determination.
8. On April 2, 2014, 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 Groundwater Registration Modification.
9. On July 3, 2014, the Department issued a preliminary determination proposing to approve Transfer T-10990 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 July 8, 2014, and in the Beaverton Valley Times newspaper on July 17, 24 and 31, 2014 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

***Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]***

10. The proposed modifications would not result in enlargement of the ground water registration.
11. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
12. The proposed modifications would not result in injury to other water rights.

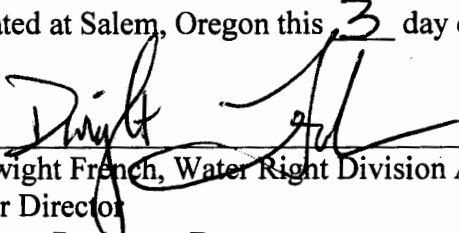
## Conclusions of Law

The additional points of appropriation and the modification in place of use proposed in Ground Water Registration Modification T-10990 is consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

### Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-343 (Certificate of Registration GR-328) proposed in Ground Water Registration Modification Application T-10990 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-343 (Certificate of Registration GR-328) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
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.
  - 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.

Dated at Salem, Oregon this 3 day of September 2014.

  
Dwight French, Water Right Division Administrator  
For Director  
Water Resources Department

Mailing date: SEP 08 2014