

5. On March 11, 2015, a revised draft preliminary determination was issued to correctly describe the authorized place of use of Certificate 87303. The revised draft Preliminary Determination cover letter set forth a deadline of April 10, 2015 for the applicant to respond. The applicant requested that the Department proceed with the issuance of the Preliminary Determination.
6. On April 24, 2015, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11872 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 28, 2015, and in the Hillsboro Tribune newspaper on May 6 and 13, 2015, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
7. The right to be transferred is as follows:

Certificate: 87303 in the name of U.S. BUREAU OF RECLAMATION (perfected under Permit S-35792)
Use: IRRIGATION OF 200.1 ACRES
Priority Date: FEBRUARY 20, 1963
Rate: 500.0 ACRE FEET OF STORED WATER
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is 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: SCOGGINS RESERVOIR/HENRY HAGG LAKE, CONSTRUCTED UNDER PERMIT R-5777, a tributary to Scoggins Creek

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 W	WM	20	NE NE	SCOGGINS RESERVOIR - 700 FEET SOUTH AND 1030 FEET WEST FROM THE NE CORNER OF SECTION 20.

Authorized Point of Re-Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	SW SW	SPRING HILL INTAKE - 500 FEET NORTH AND 410 FEET EAST FROM THE SW CORNER OF SECTION 8.

Authorized Place of Use:

MUNICIPAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	2 W	WM	22	SE NE	1.6
1 N	2 W	WM	22	SW SW	3.5
1 N	2 W	WM	22	SE SW	0.3
1 N	2 W	WM	22	NE SE	3.6
1 N	2 W	WM	22	SE SE	2.9
1 N	2 W	WM	23	SW NW	2.6
1 N	2 W	WM	23	NE SW	2.0
1 N	2 W	WM	23	NW SW	27.9

MUNICIPAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 N	2 W	WM	23	SW SW	18.2
1 N	2 W	WM	23	SE SW	0.1
1 N	2 W	WM	27	SW SE	1.1
1 N	2 W	WM	27	SE SE	2.5
1 N	2 W	WM	31	NW NE	2.7
1 N	2 W	WM	31	NE NW	3.7
1 N	2 W	WM	31	NW SW	1.9
1 N	2 W	WM	31	SW SW	2.0
1 N	2 W	WM	31	SE SW	0.2
1 N	2 W	WM	31	SE SE	0.3
1 N	2 W	WM	32	NE NE	5.9
1 N	2 W	WM	32	SE NE	9.9
1 N	2 W	WM	32	NE SE	10.4
1 N	2 W	WM	32	NW SE	1.2
1 N	2 W	WM	32	SW SE	4.2
1 N	2 W	WM	33	NE NW	0.3
1 N	2 W	WM	33	NW NW	10.2
1 N	2 W	WM	33	SW NW	26.0
1 N	2 W	WM	33	SE NW	7.8
1 N	2 W	WM	33	NW SW	2.6
1 N	2 W	WM	34	NW SW	2.6
1 N	3 W	WM	36	SE NE	0.5
1 N	3 W	WM	36	NE SE	1.3
1 S	2 W	WM	5	NE NW	1.9
1 S	2 W	WM	5	NW NW	0.5
1 S	2 W	WM	6	SW NE	4.2
1 S	2 W	WM	6	SE NE	9.6
1 S	2 W	WM	6	SW NW	1.6
1 S	2 W	WM	6	SE NW	0.8
1 S	2 W	WM	6	NE SW	8.6
1 S	2 W	WM	6	SE SW	2.6
1 S	2 W	WM	6	NE SE	1.0
1 S	2 W	WM	6	NW SE	4.4
1 S	2 W	WM	6	SW SE	4.9
TOTAL					200.1

8. Transfer Application T-11872 proposes to change the character of use to municipal use.
9. Transfer Application T-11872 also proposes to change the place of use of the right to:

MUNICIPAL USE
CITY OF HILLSBORO'S SERVICE AREA WITHIN THE CITY LIMITS OF THE CITY OF HILLSBORO

Transfer Review Criteria [OAR 690-380-4010(2)]

10. Water has been used within the last five years. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A diversion structure and pipeline sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-11872.
12. The proposed changes, if conditioned to limit the use of water to 500 acre feet stored water only during the irrigation season of each year, would not enlarge the right.
13. The proposed changes, as conditioned, would not result in injury to other water rights.

Conclusions of Law

The change in place of use and character of use proposed in Transfer Application T-11872 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in place of use and character of use proposed in Transfer Application T-11872 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 Certificate 87303 and any related decree.
3. Water Right Certificate 87303 is cancelled.
4. 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 the point of diversion.
 - 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.
5. The use of water for the proposed municipal use shall be limited to 500 acre-feet stored water only during the irrigation season of each year.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 17 day of June, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 19 2015