



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
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September 28, 2012

VIA E-MAIL

Applicant

INTERLACHEN WATER PEOPLE'S
UTILITY DISTRICT
PO BOX 1776
FAIRVIEW, OR 97024
interlachenwpud@comcast.net

SUBJECT: Water Right Transfer Application T-11311

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11311. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Gresham Outlook newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0881 or teri.k.hranac@wr.d.state.or.us, if I may be of assistance.

Sincerely,

Teri Hranac
Transfer Specialist
Transfer and Conservation Section

Enclosure

cc: T-11311
Jon J. Unger, District 20 Watermaster (*via e-mail*)
Ted Ressler, Agent for the applicant (*via e-mail at tressler@gsiws.com*)



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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-11311, Multnomah County)	PROPOSING APPROVAL of
)	ADDITIONAL POINTS OF
)	APPROPRIATION, CHANGES IN
)	PLACE OF USE AND CHARACTER 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

INTERLACHEN WATER PEOPLE'S
UTILITY DISTRICT
PO BOX 1776
FAIRVIEW, OR 97024

Agent

GSI WATER SOLUTIONS, INC.
Attn: TED RESSLER, RG, CWRE
55 SW YAMHILL STREET, SUITE 400
PORTLAND, OR 97204

Findings of Fact

Background

1. On October 31, 2011, INTERLACHEN WATER PEOPLE'S UTILITY DISTRICT filed an application for additional points of appropriation, to change the place of use, and to change the character of use under Certificate 82574. The Department assigned the application number T-11311.

2. The right to be transferred is as follows:

Certificate: 82574 in the name of INTERLACHEN, INC. (perfected under Permit G-8292)

Use: QUASI-MUNICIPAL USE

Priority Date: JULY 14, 1978

Rate: 0.45 CUBIC FOOT PER SECOND

Source: A WELL

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
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Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	21	NE SE	1420 FEET NORTH AND 1140 FEET WEST FROM THE SE CORNER OF SECTION 21

Authorized Place of Use:

QUASI-MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	21	NE SW
1 N	3 E	WM	21	SE SW
1 N	3 E	WM	21	NE SE
1 N	3 E	WM	21	NW SE
1 N	3 E	WM	21	SW SE
1 N	3 E	WM	21	SE SE

3. The Certified Water Right Examiner asserts the well location was incorrectly described in the final proof survey for Certificate 82574, and the location of the authorized point of diversion is more accurately described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	21	NW SE	1360 FEET NORTH AND 1650 FEET WEST FROM THE SE CORNER OF SECTION 21

4. Transfer Application T-11311 proposes three additional points of appropriation located between approximately 0.15 to 0.50 mile from the redescribed existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	3 E	WM	21	NW SW	Well 1 - 1160 FEET SOUTH AND 515 FEET EAST FROM THE W¼ CORNER OF SECTION 21
1 N	3 E	WM	21	NW SE	Well 2 - 1475 FEET NORTH AND 200 FEET EAST FROM THE S¼ CORNER OF SECTION 21
1 N	3 E	WM	21	NW SE	Well 5 - 1475 FEET NORTH AND 200 FEET EAST FROM THE S¼ CORNER OF SECTION 21

5. Transfer Application T-11311 proposes to change the character of use to municipal use.
6. Transfer Application T-11311 also proposes to change the place of use of the right to within the Service Boundary of the Interlachen Water People’s Utility District as follows:

MUNICIPAL USE				
Twp	Rng	Mer	Sec	Q-Q
1 N	3 E	WM	20	NE SE
1 N	3 E	WM	21	NE SW
1 N	3 E	WM	21	NW SW
1 N	3 E	WM	21	SW SW
1 N	3 E	WM	21	SE SW
1 N	3 E	WM	21	NE SE
1 N	3 E	WM	21	NW SE
1 N	3 E	WM	21	SW SE
1 N	3 E	WM	21	SE SE

7. Notice of the application for transfer was published on November 8, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
8. On July 25, 2012, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11311 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 27, 2012, for the applicant to respond. 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.
9. The applicant requested that the completion date for full beneficial use of water be extended to October 1, 2032.

Transfer Review Criteria (OAR 690-380-4010)

10. 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.
11. A pump, pipeline, and delivery 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-11311.
12. The proposed changes would not result in enlargement of the right.
13. The proposed changes would not result in injury to other water rights.

Determination and Proposed Action

The additional points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-11311 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11311 is approved, the final order will include the following:

1. *The additional points of appropriation, change in place of use, and change in character of use proposed in Transfer Application T-11311 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 82574 and any related decree.*
3. *Water right certificate 82574 is 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 point 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2032**. 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 change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 28th day of September, 2012.



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

This Preliminary Determination was prepared by Teri Hranac. If you have questions about the information in this document, you may reach me at 503-986-0881 or Teri.K.Hranac@wrdd.state.or.us.

Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.