



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

April 10, 2014

VIA E-MAIL

CITY OF WOOD VILLAGE
2055 NE 238TH DR
TROUTDALE, OR 97060

SUBJECT: Water Right Transfer Application T-11617

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11617. 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 Oregonian 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 Tracy.L.Fox@wrđ.state.or.us or 503 986-0827 if I may be of assistance.

Sincerely,

Ms. Tracy Fox
Transfer Specialist
Transfer and Conservation Section

cc: T-11617
Amy Kim, District 20 Watermaster (*via e-mail*)
Mark Gunter, City Of Wood Village, Agent for the applicant (*via e-mail*)
Andrey R. Chernishov, CWRE #76347 (*via e-mail*)

enclosure

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

6. Transfer Application T-11617 proposes additional points of appropriation approximately ¼ to ½ 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
1 N	3 E	WM	34	NE NE	WELL 1: 1225 FEET WEST AND 580 FEET SOUTH FROM THE NE CORNER OF SECTION 34

7. 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

8. Transfer Application T-11617 proposes additional points of appropriation approximately ¼ to ½ 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

9. 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
1 N	3 E	WM	35	NW NW
1 N	3 E	WM	35	SW NW

10. 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

11. 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)

12. 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.
13. 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.
14. The proposed changes would not result in enlargement of the rights.
15. The proposed changes would not result in injury to other water rights.
16. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation and change in place of use proposed in Transfer Application T-11617 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-11617 is approved, the final order will include the following:

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 10 day of April 2014.



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

This Preliminary Determination was prepared by Tracy Fox. If you have questions about the information in this document, you may reach me at 503 986-0827 or Tracy.L.Fox@ wrd.state.or.us.

Protests should be addressed to the Water Rights Services Division, Oregon Water Resources Department, 725 Summer Street, Suite A, Salem, OR 97301-1266.