



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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July 7, 2014

CITY OF BEAVERTON
4755 4755 SW GRIFFITH DR
BEAVERTON, OR 97005

SUBJECT: Ground Water Registration Modification T-10990

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10990. This document is an intermediate step in the approval process; water may not be used legally as proposed in the ground water registration modification 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 Beaverton Valley Times 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 503 986-0892 or Joan.M.Smith@wrd.state.or.us if I may be of assistance.

Sincerely,

Joan Joan Smith
Groundwater Registration Modification Specialist
Transfer and Conservation Section

cc: T-10990
Jake Constans, District 18 Watermaster (*via e-mail*)
GSI Water Solutions, Agent for the applicant (*via e-mail*)

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

In the Matter of Ground Water)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING TO APPROVE
T-10990, Washington County)	RECOGNITION OF ADDITIONAL
)	POINTS OF APPROPRIATION AND TO
)	MODIFY 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

Pursuant to OAR 690-382-0900, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

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 W¼ 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.

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

9. The proposed modifications would not result in enlargement of the ground water registration.
10. 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.
11. The proposed modifications would not result in injury to other water rights.

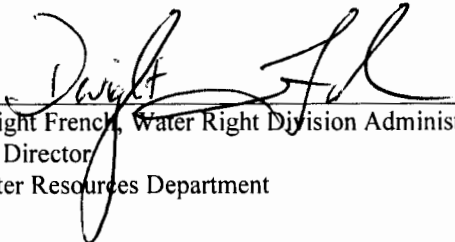
Determination and Proposed Action

The additional points of appropriation and the modification in place of use proposed in Ground Water Registration Modification T-10990 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the application will be recognized.

If Ground Water Registration Modification Application T-10990 is recognized, the final order will include the following:

- 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 July, 2014.


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

*Protests should be addressed to the attention of Water Right Services Division,
Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

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.