



Oregon

Kate Brown, Governor

Water Resources Department

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Salem, OR 97301

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June 2, 2016

FAIRVIEW WATER DISTRICT
403 MAROLF LOOP ROAD
TILLAMOOK OR 97141

SUBJECT: Water Right Transfer Application T-12190

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12190. 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 Tillamook Headlight Herald 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 503-986-0886 or Patrick.K.Starnes@wrdd.state.or.us if I may be of assistance.

Sincerely,

Kelly Starnes

Transfer Program Analyst

Transfer and Conservation Section

cc: Transfer Application file T-12190
Nikki M. Hendricks, District 1 Watermaster (*via e-mail*)
4b Engineering and Consulting Llc, Agent for the applicant (*via e-mail*)

encs

5. The right to be transferred is as follows:

Certificate: 30205 in the name of FAIRVIEW WATER DISTRICT (perfected under Permit G-1115)
Use: ALL OF THE PURPOSES FOR WHICH WATER COULD BE USED IN A CITY UNDER A RIGHT INITIATED FOR MUNICIPAL USES
Priority Date: AUGUST 27, 1958
Rate: 2.11 CUBIC FEET PER SECOND (CFS), BEING 0.78 CFS FROM WELL #1 AND 1.33 CFS FROM WELL #2
Sources: WELLS #1 and #2 within the WILSON RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 W	WM	29	NW SE	WELL #1 - 935.2 FEET NORTH AND 40 FEET EAST FROM THE SW CORNER OF TRIPP DLC 42
1 S	9 W	WM	29	NW SE	WELL #2 - 733.2 FEET NORTH AND 224.5 FEET EAST FROM THE SW CORNER OF TRIPP DLC 42

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	9 W	WM	19	NE SE
1 S	9 W	WM	19	NW SE
1 S	9 W	WM	19	SW SE
1 S	9 W	WM	19	SE SE
1 S	9 W	WM	20	SW NE
1 S	9 W	WM	20	SE NE
1 S	9 W	WM	20	SW NW
1 S	9 W	WM	20	NE SW
1 S	9 W	WM	20	NW SW
1 S	9 W	WM	20	SW SW
1 S	9 W	WM	20	SE SW
1 S	9 W	WM	20	NE SE
1 S	9 W	WM	20	NW SE
1 S	9 W	WM	20	SW SE
1 S	9 W	WM	20	SE SE
1 S	9 W	WM	21	NE NE
1 S	9 W	WM	21	NW NE
1 S	9 W	WM	21	SW NE
1 S	9 W	WM	21	SE NE
1 S	9 W	WM	21	NE NW
1 S	9 W	WM	21	SW NW
1 S	9 W	WM	21	SE NW
1 S	9 W	WM	21	NE SW
1 S	9 W	WM	21	NW SW
1 S	9 W	WM	21	SW SW
1 S	9 W	WM	21	SE SW
1 S	9 W	WM	21	NE SE
1 S	9 W	WM	21	NW SE
1 S	9 W	WM	21	SW SE
1 S	9 W	WM	21	SE SE
1 S	9 W	WM	22	SW NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	9 W	WM	22	NE NW
1 S	9 W	WM	22	NW NW
1 S	9 W	WM	22	SW NW
1 S	9 W	WM	22	SE NW
1 S	9 W	WM	22	NE SW
1 S	9 W	WM	22	NW SW
1 S	9 W	WM	22	SW SW
1 S	9 W	WM	22	SE SW
1 S	9 W	WM	22	NE SE
1 S	9 W	WM	22	NW SE
1 S	9 W	WM	22	SW SE
1 S	9 W	WM	22	SE SE
1 S	9 W	WM	23	SW SW
1 S	9 W	WM	23	SE SW
1 S	9 W	WM	23	SW SE
1 S	9 W	WM	26	NW NE
1 S	9 W	WM	26	SW NE
1 S	9 W	WM	26	NE NW
1 S	9 W	WM	26	NW NW
1 S	9 W	WM	26	SW NW
1 S	9 W	WM	26	SE NW
1 S	9 W	WM	26	NE SW
1 S	9 W	WM	26	NW SW
1 S	9 W	WM	26	SW SW
1 S	9 W	WM	26	SE SW
1 S	9 W	WM	26	NE SE
1 S	9 W	WM	26	NW SE
1 S	9 W	WM	26	SW SE
1 S	9 W	WM	27	NE NE
1 S	9 W	WM	27	NW NE
1 S	9 W	WM	27	SW NE
1 S	9 W	WM	27	SE NE
1 S	9 W	WM	27	NE NW
1 S	9 W	WM	27	NW NW
1 S	9 W	WM	27	SW NW
1 S	9 W	WM	27	SE NW
1 S	9 W	WM	27	NE SW
1 S	9 W	WM	27	NW SW
1 S	9 W	WM	27	SW SW
1 S	9 W	WM	27	SE SW
1 S	9 W	WM	27	NE SE
1 S	9 W	WM	27	NW SE
1 S	9 W	WM	27	SW SE
1 S	9 W	WM	27	SE SE
1 S	9 W	WM	28	NE NE
1 S	9 W	WM	28	NW NE
1 S	9 W	WM	28	SW NE
1 S	9 W	WM	28	SE NE
1 S	9 W	WM	28	NE NW
1 S	9 W	WM	28	NW NW
1 S	9 W	WM	28	SW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	9 W	WM	28	SE NW
1 S	9 W	WM	28	NE SW
1 S	9 W	WM	28	NW SW
1 S	9 W	WM	28	SW SW
1 S	9 W	WM	28	SE SW
1 S	9 W	WM	28	NE SE
1 S	9 W	WM	28	NW SE
1 S	9 W	WM	28	SW SE
1 S	9 W	WM	28	SE SE
1 S	9 W	WM	29	NE NE
1 S	9 W	WM	29	NW NE
1 S	9 W	WM	29	SW NE
1 S	9 W	WM	29	SE NE
1 S	9 W	WM	29	NE NW
1 S	9 W	WM	29	NW NW
1 S	9 W	WM	29	SW NW
1 S	9 W	WM	29	SE NW
1 S	9 W	WM	29	NE SW
1 S	9 W	WM	29	SW SW
1 S	9 W	WM	29	SE SW
1 S	9 W	WM	29	NE SE
1 S	9 W	WM	29	NW SE
1 S	9 W	WM	29	SW SE
1 S	9 W	WM	29	SE SE
1 S	9 W	WM	30	NE NE
1 S	9 W	WM	30	SE NE
1 S	9 W	WM	30	NW SE
1 S	9 W	WM	30	SW SE
1 S	9 W	WM	30	SE SE
1 S	9 W	WM	31	NE NE
1 S	9 W	WM	31	NW NE
1 S	9 W	WM	31	SW NE
1 S	9 W	WM	31	SE NE
1 S	9 W	WM	32	NE NE
1 S	9 W	WM	32	NW NE
1 S	9 W	WM	32	SW NE
1 S	9 W	WM	32	SE NE
1 S	9 W	WM	32	NE NW
1 S	9 W	WM	32	NW NW
1 S	9 W	WM	32	SW NW
1 S	9 W	WM	32	SE NW
1 S	9 W	WM	32	NE SW
1 S	9 W	WM	32	NW SW
1 S	9 W	WM	32	SW SW
1 S	9 W	WM	32	SE SW
1 S	9 W	WM	33	NE NE
1 S	9 W	WM	33	NW NE
1 S	9 W	WM	33	SW NE
1 S	9 W	WM	33	SE NE
1 S	9 W	WM	33	NE NW
1 S	9 W	WM	33	NW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	9 W	WM	33	SW NW
1 S	9 W	WM	33	SE NW

6. Certificate 30205 describes the location of the points of appropriation above, however information is available from the COBU and the consultant's on site survey indicating that the authorized points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	9 W	WM	29	NE SW	WELL #1 - 2119.3 FEET NORTH AND 2712.6 FEET WEST FROM THE SE CORNER OF SECTION 29
1 S	9 W	WM	29	NW SE	WELL #2 - 1892.8 FEET NORTH AND 2570.2 FEET WEST FROM THE SE CORNER OF SECTION 29

7. The proposed points of appropriation are described in the table below with the approximate measure distanced from the authorized points of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location in feet (ft)	
						WELL #1	WELL #2
1 S	9 W	WM	29	NW SE	WELL #1 - 2119.3 FEET NORTH AND 2712.6 FEET WEST FROM THE SE CORNER OF SECTION 29	0 ft.	260 ft.
1 S	9 W	WM	29	NE SE	PROP WELL - 1684.3 FEET NORTH AND 240.6 FEET WEST FROM THE SE CORNER OF SECTION 29	2640 ft.	2380 ft.

Transfer Review Criteria (OAR 690-380-4010)

8. 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.
9. A pump, pipeline, and sprinkler 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-12190.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Determination and Proposed Action


The change in point of appropriation proposed in Transfer Application T-12190 appears 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-12190 is approved, the final order will include the following:

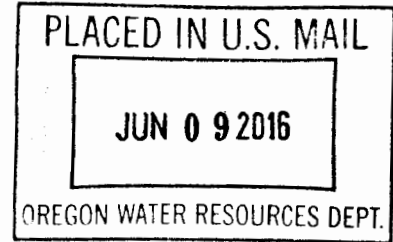
- 1. The change in points of appropriation proposed in Transfer Application T-12190 is approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 30205 and any related decree.*
- 3. Water right Certificate 30205 is cancelled.*
- 4. The quantity of water diverted at the new 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.*
- 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, 2022**. 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 3 day of June, 2016.



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



This Preliminary Determination was prepared by Marcy Osborn. If you have questions about the information in this document, you may reach me at 541-523-8224 ext.228 or marcy.j.osborn@wrд.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.