

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

In the Matter of Groundwater)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING APPROVAL OF
T-13012, Washington County)	RECOGNITION OF ADDITIONAL
)	POINTS OF APPROPRIATION

Authority

Oregon Revised Statutes (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 groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

CITY OF BEAVERTON
4755 SW GRIFFITH DR
BEAVERTON, OR 97005

Findings of Fact

1. On August 22, 2018, CITY OF BEAVERTON filed a groundwater registration modification application for additional points of appropriation under Registration Application GR-343 (Certificate of Registration GR-328). The Department assigned the application number T-13012
2. Notice of the application for groundwater registration modification was published on August 28, 2018, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
3. On September 8, 2014, the Department approved Groundwater Registration Modification T-10990, Special Order Volume 93, page 316, for additional points of appropriation and a modification in the place of use.

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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4. On October 11, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13012 to the applicant. The proposed additional points of appropriation would not develop the same source as the existing points of appropriation. The draft Preliminary Determination cover letter set forth a deadline of November 12, 2019, for the applicant to respond.
5. On November 12, 2019, the applicant's agent submitted a revised application, removing all recognized points of appropriation, except for Well 2, from the application, as was recommended by the Department's Groundwater Section.
6. The groundwater registration to be modified is as follows:

Registration: Application GR-343 (Certificate of Registration GR-328), in the name of CITY OF BEAVERTON; as modified by Special Order Volume 93, Pages 316-324

Use: MUNICIPAL

Tentative

Priority Date: 1945 FOR WELL 2

Quantity: 950 GPM FROM PUMP WELL #2

Source: PUMP WELL #2

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	1 W	WM	21	SE SW	PUMP WELL #2 - 460 FEET NORTH AND 2500 FEET EAST FROM THE SW CORNER OF SECTION 21

Original Place of Use:

MUNICIPAL				
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

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
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

Recognized Modified Place of Use:

MUNICIPAL				
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
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

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	14	SW NE
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 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 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
1 S	1 W	WM	16	SW SW
1 S	1 W	WM	16	SE SW
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 NW
1 S	1 W	WM	21	NW NW

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
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
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

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
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
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

MUNICIPAL				
Twp	Rng	Mer	Sec	Q-Q
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
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

7. Groundwater Registration Modification Application T-13012 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of appropriation in feet (ft.) or miles (mi.)
1 S	1 W	WM	21	SE SW	ASR 5H - 540 FEET NORTH AND 2495 FEET EAST FROM THE SW CORNER OF SECTION 21	96.8 ft.
1 S	1 W	WM	30	NE SE	ASR 6K - 1520 FEET NORTH AND 125 FEET WEST FROM THE SE CORNER OF SECTION 30	1.7 mi.
2 S	1 W	WM	5	SW NW	ASR 3-IW1 - 1525 FEET SOUTH AND 75 FEET EAST FROM THE NW CORNER OF SECTION 5	2.8 mi.
2 S	1 W	WM	5	SW NW	ASR 3-IW2 - 1550 FEET SOUTH AND 55 FEET EAST FROM THE NW CORNER OF SECTION 5	2.8 mi.
2 S	1 W	WM	5	SW NW	ASR 3-IW3 - 1570 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 5	2.8 mi.

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

8. The proposed modifications would not result in enlargement of the groundwater registration.
9. 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.

10. The proposed modifications would not result in injury to other water rights.

Determination and Proposed Action

The additional points of appropriation proposed in Groundwater Registration Modification T-13012 appear 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 modification will be approved.

If Groundwater Registration Modification T-13012 is approved, the final order will include the following:

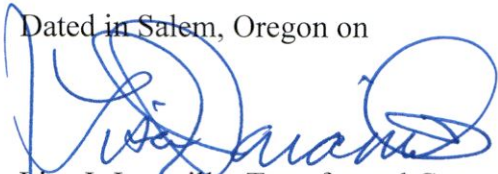
- 1. The modification to Registration Application GR-343 (Certificate of Registration GR-328) proposed in Groundwater Registration Modification Application T-13012 is recognized. Recognition of the modification shall not be construed as a final determination of the right to appropriate groundwater under 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 point of appropriation.*
- 4. The quantity of water diverted at the additional points of appropriation (ASR 5, ASR 6K, ASR 3-IW1, ASR 3-IW2, and ASR 3-IW3), together with that diverted at the original point of appropriation (Pump Well #2), shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well #2).*

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.*

Dated in Salem, Oregon on

FEB 18 2020



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or corey.a.courchane@oregon.gov

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

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 18, 2020

CITY OF BEAVERTON
4755 SW GRIFFITH DR
BEAVERTON, OR 97005

SUBJECT: Water Right Transfer Application T-13012

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13012. 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 Business Tribune 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 corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: T-13012
Jacob W. Constans, District 18 Watermaster (*via e-mail*)
Jason Melady, Agent for the applicant (*via e-mail*)

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