

**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-10803, Washington County)	RECOGNITION OF ADDITIONAL
)	POINTS OF APPROPRIATION AND
)	MODIFICATION IN 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.

Applicants

CITY OF TIGARD, TIGARD WATER DISTRICT, CITY OF KING CITY, AND CITY OF DURHAM
ATTN: DENNIS KOELLERMEIER
13125 SW HALL BOULEVARD
TIGARD, OR 97223

Agent

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

Findings of Fact

Background

1. On March 4, 2009, the CITY OF TIGARD filed a ground water registration modification application for additional points of appropriation and to modify the place of use under Registration Application GR-615 (Certificate of Registration GR-587). The Department assigned the application number T-10803.
2. On May 6, 2010, the applicant amended the application to include the Tigard Water District, City of King City, and City of Durham.
3. The ground water registration to be modified is as follows:

Registration: Application GR-615 (Certificate of Registration GR-587), in the name of TIGARD WATER DISTRICT

Use: MUNICIPAL USES

Tentative

Priority Date: JULY 30, 1949

Quantity: 500 GALLONS PER MINUTE

Source: A WELL within the FANNO CREEK BASIN

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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Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	10	NW NW	WELL 2 (WASH 11592): 610 FEET SOUTH AND 1270 FEET EAST FROM THE NW CORNER OF SECTION 10

Original Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	34	NE SW
1 S	1 W	WM	34	NW SW
1 S	1 W	WM	34	SW SW
1 S	1 W	WM	34	SE SW
1 S	1 W	WM	34	NE SE
1 S	1 W	WM	34	NW SE
1 S	1 W	WM	34	SW SE
1 S	1 W	WM	34	SE SE
2 S	1 W	WM	2	NE NE
2 S	1 W	WM	2	NW NE
2 S	1 W	WM	2	SW NE
2 S	1 W	WM	2	SE NE
2 S	1 W	WM	2	NE NW
2 S	1 W	WM	2	NW NW
2 S	1 W	WM	2	SW NW
2 S	1 W	WM	2	SE NW
2 S	1 W	WM	2	NE SW
2 S	1 W	WM	2	NW SW
2 S	1 W	WM	2	SW SW
2 S	1 W	WM	2	SE SW
2 S	1 W	WM	2	NE SE
2 S	1 W	WM	2	NW SE
2 S	1 W	WM	2	SW SE
2 S	1 W	WM	2	SE SE
2 S	1 W	WM	3	NE NE
2 S	1 W	WM	3	NW NE
2 S	1 W	WM	3	SW NE
2 S	1 W	WM	3	SE NE
2 S	1 W	WM	3	NE NW
2 S	1 W	WM	3	NW NW
2 S	1 W	WM	3	SW NW
2 S	1 W	WM	3	SE NW
2 S	1 W	WM	3	NE SW
2 S	1 W	WM	3	NW SW
2 S	1 W	WM	3	SW SW
2 S	1 W	WM	3	SE SW
2 S	1 W	WM	3	NE SE
2 S	1 W	WM	3	NW SE
2 S	1 W	WM	3	SW SE
2 S	1 W	WM	3	SE SE
2 S	1 W	WM	9	NE NE
2 S	1 W	WM	9	NW NE
2 S	1 W	WM	9	SW NE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	9	SE NE
2 S	1 W	WM	9	NE NW
2 S	1 W	WM	9	NW NW
2 S	1 W	WM	9	SW NW
2 S	1 W	WM	9	SE NW
2 S	1 W	WM	10	NE NE
2 S	1 W	WM	10	NW NE
2 S	1 W	WM	10	SW NE
2 S	1 W	WM	10	SE NE
2 S	1 W	WM	10	NE NW
2 S	1 W	WM	10	NW NW
2 S	1 W	WM	10	SW NW
2 S	1 W	WM	10	SE NW
2 S	1 W	WM	11	NE NE
2 S	1 W	WM	11	NW NE
2 S	1 W	WM	11	SW NE
2 S	1 W	WM	11	SE NE
2 S	1 W	WM	11	NE NW
2 S	1 W	WM	11	NW NW
2 S	1 W	WM	11	SW NW
2 S	1 W	WM	11	SE NW

4. Ground Water Registration Modification Application T-10803 proposes additional points of appropriation approximately 0.3 to 0.5 mile southwest and 0.8 mile east from the recognized well located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	1 W	WM	9	SW NE	ASR3 (WASH 66115) - 1600 FEET SOUTH AND 1130 FEET WEST FROM THE NE CORNER OF SECTION 9
2 S	1 W	WM	10	SW NW	ASR2 (WASH 61622) - 1750 FEET SOUTH AND 100 FEET EAST FROM THE NW CORNER OF SECTION 10
2 S	1 W	WM	11	SW NW	ASR1 (WASH 58003) - SOUTH 3 DEGREES 13 MINUTES 22 SECONDS EAST, 1561 FEET FROM THE NW CORNER OF SECTION 11

5. Ground Water Registration Modification Application T-10803 proposes to modify the place of use under the ground water registration to:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	27	SE SE
1 S	1 W	WM	33	NE NE
1 S	1 W	WM	33	SW NE
1 S	1 W	WM	33	SE NE
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

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	1 W	WM	33	SE SW
1 S	1 W	WM	33	NE SE
1 S	1 W	WM	33	NW SE
1 S	1 W	WM	33	SW SE
1 S	1 W	WM	33	SE SE
1 S	1 W	WM	34	NE NE
1 S	1 W	WM	34	NW NE
1 S	1 W	WM	34	SW NE
1 S	1 W	WM	34	SE 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
1 S	1 W	WM	34	SE NW
1 S	1 W	WM	34	NE SW
1 S	1 W	WM	34	NW SW
1 S	1 W	WM	34	SW SW
1 S	1 W	WM	34	SE SW
1 S	1 W	WM	34	NE SE
1 S	1 W	WM	34	NW SE
1 S	1 W	WM	34	SW SE
1 S	1 W	WM	34	SE SE
1 S	1 W	WM	35	NW NW
1 S	1 W	WM	35	SW NW
1 S	1 W	WM	35	NE SW
1 S	1 W	WM	35	NW SW
1 S	1 W	WM	35	SW SW
1 S	1 W	WM	35	SE SW
1 S	1 W	WM	35	NW SE
1 S	1 W	WM	35	SW SE
1 S	1 W	WM	35	SE SE
1 S	1 W	WM	36	SW SW
2 S	1 W	WM	1	NE NW
2 S	1 W	WM	1	NW NW
2 S	1 W	WM	1	SW NW
2 S	1 W	WM	1	SE NW
2 S	1 W	WM	1	NE SW
2 S	1 W	WM	1	NW SW
2 S	1 W	WM	1	SW SW
2 S	1 W	WM	1	SE SW
2 S	1 W	WM	2	NE NE
2 S	1 W	WM	2	NW NE
2 S	1 W	WM	2	SW NE
2 S	1 W	WM	2	SE NE
2 S	1 W	WM	2	NE NW
2 S	1 W	WM	2	NW NW
2 S	1 W	WM	2	SW NW
2 S	1 W	WM	2	SE NW
2 S	1 W	WM	2	NE SW
2 S	1 W	WM	2	NW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	2	SW SW
2 S	1 W	WM	2	SE SW
2 S	1 W	WM	2	NE SE
2 S	1 W	WM	2	NW SE
2 S	1 W	WM	2	SW SE
2 S	1 W	WM	2	SE SE
2 S	1 W	WM	3	NE NE
2 S	1 W	WM	3	NW NE
2 S	1 W	WM	3	SW NE
2 S	1 W	WM	3	SE NE
2 S	1 W	WM	3	NE NW
2 S	1 W	WM	3	NW NW
2 S	1 W	WM	3	SW NW
2 S	1 W	WM	3	SE NW
2 S	1 W	WM	3	NE SW
2 S	1 W	WM	3	NW SW
2 S	1 W	WM	3	SW SW
2 S	1 W	WM	3	SE SW
2 S	1 W	WM	3	NE SE
2 S	1 W	WM	3	NW SE
2 S	1 W	WM	3	SW SE
2 S	1 W	WM	3	SE SE
2 S	1 W	WM	4	NE NE
2 S	1 W	WM	4	NW NE
2 S	1 W	WM	4	SW NE
2 S	1 W	WM	4	SE NE
2 S	1 W	WM	4	NE NW
2 S	1 W	WM	4	NW NW
2 S	1 W	WM	4	SW NW
2 S	1 W	WM	4	SE NW
2 S	1 W	WM	4	NE SW
2 S	1 W	WM	4	NW SW
2 S	1 W	WM	4	SW SW
2 S	1 W	WM	4	SE SW
2 S	1 W	WM	4	NE SE
2 S	1 W	WM	4	NW SE
2 S	1 W	WM	4	SW SE
2 S	1 W	WM	4	SE SE
2 S	1 W	WM	5	NE NE
2 S	1 W	WM	5	SW NE
2 S	1 W	WM	5	SE NE
2 S	1 W	WM	5	SW NW
2 S	1 W	WM	5	SE NW
2 S	1 W	WM	5	NE SW
2 S	1 W	WM	5	NW SW
2 S	1 W	WM	5	SW SW
2 S	1 W	WM	5	SE SW
2 S	1 W	WM	5	NE SE
2 S	1 W	WM	5	NW SE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	5	SW SE
2 S	1 W	WM	5	SE SE
2 S	1 W	WM	6	SE NE
2 S	1 W	WM	6	NE SE
2 S	1 W	WM	6	SE SE
2 S	1 W	WM	7	NE NE
2 S	1 W	WM	7	SE NE
2 S	1 W	WM	7	NE SE
2 S	1 W	WM	8	NE NE
2 S	1 W	WM	8	NW NE
2 S	1 W	WM	8	SW NE
2 S	1 W	WM	8	SE NE
2 S	1 W	WM	8	NE NW
2 S	1 W	WM	8	NW NW
2 S	1 W	WM	8	SW NW
2 S	1 W	WM	8	SE NW
2 S	1 W	WM	8	NE SW
2 S	1 W	WM	8	NW SW
2 S	1 W	WM	8	NE SE
2 S	1 W	WM	8	NW SE
2 S	1 W	WM	8	SW SE
2 S	1 W	WM	8	SE SE
2 S	1 W	WM	9	NE NE
2 S	1 W	WM	9	NW NE
2 S	1 W	WM	9	SW NE
2 S	1 W	WM	9	SE NE
2 S	1 W	WM	9	NE NW
2 S	1 W	WM	9	NW NW
2 S	1 W	WM	9	SW NW
2 S	1 W	WM	9	SE NW
2 S	1 W	WM	9	NE SW
2 S	1 W	WM	9	NW SW
2 S	1 W	WM	9	SW SW
2 S	1 W	WM	9	SE SW
2 S	1 W	WM	9	NE SE
2 S	1 W	WM	9	NW SE
2 S	1 W	WM	9	SW SE
2 S	1 W	WM	9	SE SE
2 S	1 W	WM	10	NE NE
2 S	1 W	WM	10	NW NE
2 S	1 W	WM	10	SW NE
2 S	1 W	WM	10	SE NE
2 S	1 W	WM	10	NE NW
2 S	1 W	WM	10	NW NW
2 S	1 W	WM	10	SW NW
2 S	1 W	WM	10	SE NW
2 S	1 W	WM	10	NE SW
2 S	1 W	WM	10	NW SW
2 S	1 W	WM	10	SW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	10	SE SW
2 S	1 W	WM	10	NE SE
2 S	1 W	WM	10	NW SE
2 S	1 W	WM	10	SW SE
2 S	1 W	WM	10	SE SE
2 S	1 W	WM	11	NE NE
2 S	1 W	WM	11	NW NE
2 S	1 W	WM	11	SW NE
2 S	1 W	WM	11	SE NE
2 S	1 W	WM	11	NE NW
2 S	1 W	WM	11	NW NW
2 S	1 W	WM	11	SW NW
2 S	1 W	WM	11	SE NW
2 S	1 W	WM	11	NE SW
2 S	1 W	WM	11	NW SW
2 S	1 W	WM	11	SW SW
2 S	1 W	WM	11	SE SW
2 S	1 W	WM	11	NE SE
2 S	1 W	WM	11	NW SE
2 S	1 W	WM	11	SW SE
2 S	1 W	WM	11	SE SE
2 S	1 W	WM	12	NW NE
2 S	1 W	WM	12	SW NE
2 S	1 W	WM	12	NE NW
2 S	1 W	WM	12	NW NW
2 S	1 W	WM	12	SW NW
2 S	1 W	WM	12	SE NW
2 S	1 W	WM	12	NE SW
2 S	1 W	WM	12	NW SW
2 S	1 W	WM	12	SW SW
2 S	1 W	WM	12	SE SW
2 S	1 W	WM	12	NE SE
2 S	1 W	WM	12	NW SE
2 S	1 W	WM	12	SW SE
2 S	1 W	WM	12	SE SE
2 S	1 W	WM	13	NE NE
2 S	1 W	WM	13	NW NE
2 S	1 W	WM	13	SW NE
2 S	1 W	WM	13	SE NE
2 S	1 W	WM	13	NE NW
2 S	1 W	WM	13	NW NW
2 S	1 W	WM	13	SW NW
2 S	1 W	WM	13	SE NW
2 S	1 W	WM	13	NE SW
2 S	1 W	WM	13	NW SW
2 S	1 W	WM	13	SW SW
2 S	1 W	WM	13	SE SW
2 S	1 W	WM	13	NE SE
2 S	1 W	WM	13	NW SE

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	1 W	WM	13	SW SE
2 S	1 W	WM	13	SE SE
2 S	1 W	WM	14	NE NE
2 S	1 W	WM	14	NW NE
2 S	1 W	WM	14	SW NE
2 S	1 W	WM	14	SE NE
2 S	1 W	WM	14	NE NW
2 S	1 W	WM	14	NW NW
2 S	1 W	WM	14	SW NW
2 S	1 W	WM	14	SE NW
2 S	1 W	WM	14	NE SW
2 S	1 W	WM	14	NE SE
2 S	1 W	WM	14	NW SE
2 S	1 W	WM	14	SW SE
2 S	1 W	WM	14	SE SE
2 S	1 W	WM	15	NE NE
2 S	1 W	WM	15	NW NE
2 S	1 W	WM	15	SW NE
2 S	1 W	WM	15	SE NE
2 S	1 W	WM	15	NE NW
2 S	1 W	WM	15	NW NW
2 S	1 W	WM	15	SW NW
2 S	1 W	WM	15	SE NW
2 S	1 W	WM	15	NE SW
2 S	1 W	WM	15	NW SW
2 S	1 W	WM	15	SW SW
2 S	1 W	WM	15	NW SE
2 S	1 W	WM	16	NE NE
2 S	1 W	WM	16	NW NE
2 S	1 W	WM	16	SW NE
2 S	1 W	WM	16	SE NE
2 S	1 W	WM	16	NE NW
2 S	1 W	WM	16	NW NW
2 S	1 W	WM	16	SE NW
2 S	1 W	WM	16	NE SW
2 S	1 W	WM	16	SE SW
2 S	1 W	WM	16	NE SE
2 S	1 W	WM	16	NW SE
2 S	1 W	WM	16	SW SE
2 S	1 W	WM	16	SE SE
2 S	1 W	WM	17	NE NE
2 S	1 W	WM	17	NW NE
2 S	1 W	WM	24	NW NE
2 S	1 W	WM	24	SW NE
2 S	1 W	WM	24	NE NW
2 S	1 W	WM	24	NW NW
2 S	1 W	WM	24	SE NW

6. Notice of the application for ground water registration modification was published on March 17, 2009, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
7. On May 7, 2010, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10803 to the applicants. The draft Preliminary Determination set forth a deadline of June 7, 2010, for the applicants to respond. The applicants 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.

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

8. The proposed modifications would not result in enlargement of the ground water 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

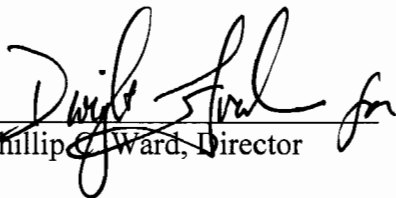
The additional points of appropriation and modification in place of use proposed in Ground Water Registration Modification T-10803 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the application will be recognized.

If Ground Water Registration Modification Application T-10803 is recognized, the final order will include the following:

1. *The modifications to Registration Application GR-615 (Certificate of Registration GR-587) proposed in Ground Water Registration Modification Application T-10803 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-615 (Certificate of Registration GR-587) 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, 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.*
 - 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 21 day of MAY 2010.


Phillip Ward, Director

This Preliminary Determination was prepared by Kara Morris. If you have questions about the information in this document, you may reach me at 503-986-0898 or Kara.B.Morris@wrdd.state.or.us.

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