

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

In the Matter of Transfer Application) PRELIMINARY DETERMINATION
T-11024, Columbia County) PROPOSING APPROVAL OF AN
) ADDITIONAL POINT OF
) APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

QUINCY WATER ASSOCIATION
PO BOX 975
CLATSKANIE, OR 97016

Findings of Fact

Background

1. On February 25, 2010, QUINCY WATER ASSOCIATION filed an application for an additional point of appropriation under Certificate 82858. The Department assigned the application number T-11024.
2. On June 1, 2010, the applicant submitted a revised map identifying the East ¼ Corner of Section 35.
3. The portion of the right to be transferred is as follows:

Certificate: 82858 in the name of QUINCY WATER ASSOCIATION (perfected under Permit G-7711)

Use: QUASI-MUNICIPAL USES

Priority Date: DECEMBER 7, 1977

Rate: 0.134 CUBIC FOOT PER SECOND

Source: WELL 2

Authorized Point of Appropriation:

Well #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	8 N	4 W	WM	35	NE SE	110 FEET NORTH AND 950 FEET WEST FROM THE E1/4 CORNER OF SECTION 35

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.

Authorized Place of Use:

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
7 N	4 W	WM	3	NE NE
7 N	4 W	WM	3	NW NE
7 N	4 W	WM	3	SW NE
7 N	4 W	WM	3	NW SE
7 N	4 W	WM	3	SW SE
7 N	4 W	WM	3	SE SE
7 N	4 W	WM	10	NW NE
8 N	4 W	WM	21	SW NE
8 N	4 W	WM	26	SW NE
8 N	4 W	WM	26	SW NW
8 N	4 W	WM	26	SE NW
8 N	4 W	WM	26	NE SW
8 N	4 W	WM	26	NW SW
8 N	4 W	WM	27	SE NE
8 N	4 W	WM	27	SE SW
8 N	4 W	WM	27	NE SE
8 N	4 W	WM	27	SW SE
8 N	4 W	WM	27	SE SE
8 N	4 W	WM	28	NE NE
8 N	4 W	WM	28	NE SW
8 N	4 W	WM	28	SE SW
8 N	4 W	WM	29	SE SE
8 N	4 W	WM	32	NW NE
8 N	4 W	WM	32	SW NE
8 N	4 W	WM	32	SE NW
8 N	4 W	WM	32	NW SE
8 N	4 W	WM	34	NW NE
8 N	4 W	WM	34	SW NE
8 N	4 W	WM	34	NE NW
8 N	4 W	WM	34	NE SE
8 N	4 W	WM	34	NW SE
8 N	4 W	WM	34	SE SE
8 N	4 W	WM	35	NE SW
8 N	4 W	WM	35	NW SE

4. Certificate 82858 describes the location of Well 2 as being 110 feet north of the E $\frac{1}{4}$ Corner of Section 35, however, the Department determined this is a scrivener's error because the Final Proof map for the right shows the well to be south of the E $\frac{1}{4}$ Corner, as confirmed by the T-11024 application and map and the Quincy Water Association. The correct coordinates are shown below:

Authorized Point of Diversion:

Well #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2	8 N	4 W	WM	35	NE SE	110 FEET SOUTH AND 950 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 35

5. Transfer Application T-11024 proposes to add an additional point of appropriation (Well 2B) approximately 477 feet northeasterly from the existing Well 2 to:

Well	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 B	8 N	4 W	WM	35	SE NE	33 FEET NORTH AND 497 FEET WEST FROM THE E ¼ CORNER OF SECTION 35

6. Notice of the application for transfer was published on March 2, 2010, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On June 2, 2010, the Department mailed a copy of the Preliminary Determination proposing to approve Transfer Application T-11024 to the applicant. The Preliminary Determination cover letter set forth a deadline of July 7, 2010, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and on June 11, 2010 provided clarification that the remaining portion of the right from Well 3 is to receive a separate remaining right certificate.

Transfer Review Criteria (OAR 690-380-4010)

8. Water has been used within the last five years prior to the submittal of Transfer Application T-11024 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-11024.
10. Provided totalizing flow meters are installed as conditioned below, the proposed change would not result in enlargement of the right.
11. If conditioned as followed, the proposed change would not result in injury to other water rights.

Determination and Proposed Action

The additional point of appropriation proposed in Transfer Application T-11024 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 application T-11024 is approved, the final order will include the following:

1. *The additional point of appropriation proposed in application T-11024 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 82858 and any related decree.*
3. *Water right certificate 82858 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*

4. *The quantity of water diverted at the additional point 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.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2015**. 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. *When satisfactory proof of the completed change is received, a new certificate confirming the portion of the right transferred will be issued.*

Dated at Salem, Oregon this 14 day of June 2010.


Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrд.state.or.us.

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