

Oregon Water Resources Department

**Final Order**  
**Limited License Application LL-1912**



***Appeal Rights***

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

***Requested Water Use***

**Applicant:** CITY OF BEAVERTON

**Date Submitted:** DECEMBER 13, 2021

**Amount:** 300 GALLONS PER MINUTE (0.668 CUBIC FOOT PER SECOND (CFS)) UP TO 50 MILLION GALLONS PER YEAR

**Source:** UNNAMED SURFACE WATER, A TRIBUTARY OF SUMMER CREEK

**Use:** ARTIFICIAL GROUNDWATER RECHARGE TESTING

**Duration:** NOVEMBER 1 THROUGH JUNE 30 OF EACH YEAR; FROM LIMITED LICENSE ISSUE DATE THROUGH FIVE YEARS

**County:** WASHINGTON COUNTY

**Pod Location:** 2.00S-1.00W-5 SW NW

***Authorities***

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

A limited license will not be issued for more than five consecutive years for the same use, as directed by ORS 537.143(8).

***Findings of Fact***

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. On December 21, 2021, the Department provided public notice of the application, as required by OAR 690-340-0030(2).
3. The Department has not received public comment related to the possible issuance of the limited license.

4. This limited license request is limited to an area within a single drainage basin, as required by OAR 690-340-0030(3).
5. On August 10, 2022, the Department completed a technical review. The proposed use will, if properly conditioned, avoid injury to existing rights. A copy of this technical review is in the file and can be viewed on the Department's website.
6. The Department has determined that water is available for the requested use.
7. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.200.
8. The Department may not issue a limited license for the same use for more than five consecutive years. (ORS 537.143)(8).
9. The Oregon Department of Environmental Quality (DEQ) confirmed that stormwater injection at Sterling Park is covered by WPCF General Permit 1200-U # WG EN12U-OR12U0009. This permit expires on November 30, 2025. Use of water under this limited license during the period of December 1, 2025 through June 30, 2026, and from November 1, 2026 through June 30, 2027 is contingent on a WPCF General Permit approved by DEQ, and submitted to the Department by November 15, 2025.
10. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's statewide rules under OAR 690-033-0310. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. The Oregon Department of Fish and Wildlife provided recommendations on a measurement device, maintaining passage, a riparian plan and in-water work related to the possible issuance of the limited license. Based on the comments received, the Department has added condition numbers 4, 8, 9, and 10 to the conditions and limitations listed below.
11. Pursuant to OAR 690-340-0030(4) and (5), conditions have been added with regard to notice and water-use measurement.
12. The City of Beaverton has indicated that the proposed use is compatible with the applicable acknowledged comprehensive land-use plan. A copy of the land use compatibility statement is in the file.

### ***Conclusions of Law***

The proposed water use will not impair or be detrimental to the public interest pursuant to OAR 690-340-0030(2), as limited in the order below.

### ***Order***

Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, Application LL-1912 is approved as conditioned below.

1. The authorized use of water under this limited license is as follows:

**Amount:** 300 GPM (0.668 CFS) UP TO 50 MG PER YEAR

**Source:** UNNAMED SURFACE WATER, A TRIBUTARY OF SUMMER CREEK

**Use:** ARTIFICIAL GROUNDWATER RECHARGE TESTING

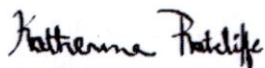
**Duration:** NOVEMBER 1 THROUGH JUNE 30 OF EACH YEAR; FROM NOVEMBER 1, 2022 THROUGH JUNE 30, 2027

2. The licensee shall give notice to the Watermaster in the district where use is to occur not less than 15 days or more than 60 days in advance of using the water under the limited license. The notice shall include the location of the diversion, the quantity of water to be diverted, and the intended use and place of use. In the case of this application, this order serves as the notice described above.
3. Before water use may begin under this license, the licensee shall install a totalizing flowmeter to record injection volume at the AR well head. The totalizing flowmeter must be installed and maintained in good working order. In addition, the licensee shall maintain a record of all water use, including the total number of hours of diversion, the total volume diverted, and the categories of beneficial use to which the water is applied. During the period of the limited license, the record of use shall be available for review by the Department upon request, and shall be submitted to the Watermaster upon request. This record shall include the amount of water diverted from the stormwater treatment plant output and the amount delivered to each injection well.
4. The licensee shall install, maintain, and operate a water use control and/or measuring device, that has been identified by OWRD as a totalizing flowmeter. The device shall be installed, functional, and approved by the local Watermaster, prior to diversion of water.
5. The licensee is required to provide a written annual report by February 15th of each year. This report will detail recharge testing and any subsequent recovery under a secondary limited license from the preceding water year. Reporting shall include, but is not limited to, the results of testing efforts that relate to water quality, water quantity, and operations. Water level data shall be submitted in a Department-specified digital format. The licensee shall consult with ODEQ and OWRD to identify additional specific reporting elements. The first report is due in February 2023.
6. The licensee shall adhere to the current, approved test and monitoring plan. A revised, superseding plan may be submitted to the Department at any time. The Department may approve, condition, or reject such plans.
7. The licensee shall comply with all ODEQ water quality standards and permitting requirements. If monitoring data or other information result in identification of potential water quality concerns, ODEQ may seek modifications to the monitoring and test plans and/or require a permit of its own to address the water quality concerns prior to resumption of artificial groundwater recharge testing.
8. The licensee shall maintain adequate passage of native migratory fish at all times (ORS 509.610) and shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of the state that are inhabited, or were historically inhabited, by native migratory fish (ORS 509.585).
9. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

10. Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July 15 – September 30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
11. Failure to meet the conditions of the license to the satisfaction of the Department will lead to a cancellation of the limited license, in which case it would no longer be in force.
12. The Director may revoke the right to use water for any reason described in ORS 537.143(2), and OAR 690-340-0030(6). Such revocation may be prompted by field regulatory activities or by any other information.
13. Use of water under a limited license shall not have priority over any water right exercised according to a permit or certificate, and shall be subordinate to all other authorized uses that rely upon the same source.
14. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
15. A copy of this limited license shall be kept at the place of use, and be made available for inspection by the Watermaster or other state authority.

NOTE: This water-use authorization is temporary. Applicants are advised that issuance of this final order does not guarantee that any permit for the authorized use will be issued in the future; any investments should be made with that in mind.

Issued OCT 14 2022



Katherine Ratcliffe, Water Rights Section Manager, *for*  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

cc: Jacob W. Constans, District 18 Watermaster  
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Summit Water Resources, LLC, Attn: Jason Melady - PO Box 11268, Portland, OR 97211  
Surface Water Section  
File

If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

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