

**Oregon Water Resources Department**  
**Water Right Services Division**

Water Right Application G-18856 in the            )  
name of CLAREMONT GOLF CLUB DBA            )                    PROPOSED FINAL ORDER  
CLAREMONT CIVIC ASSOCIATION            )

**Summary:** The Department proposes to issue an order approving Application G-18856 and a permit consistent with the attached draft permit.

**Authority**

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410, and the Willamette Basin Program (OAR 690-502). These statutes and rules can be viewed on the following website: <https://www.oregon.gov/OWRD/programs/policylawandrules/Pages/default.aspx>.

The Department’s main website can be found at: <https://www.oregon.gov/OWRD>.

The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525 if:

- a) The proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12);
- b) Water is available;
- c) The proposed use will not injure other water rights; and
- d) The proposed use complies with the rules of the Commission. ORS 537.621(2); OAR 690-310-0150(2)(b)

All four criteria must be met for a proposed use to be presumed to ensure the preservation of the public welfare, safety and health. When the criteria are met and the presumption is established the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies, and any other available information to determine whether the presumption is overcome. OAR 690-310-0140

If the Department determines that the presumption is established and not overcome, the Department shall issue a Proposed Final Order recommending issuance of the permit subject to any appropriate modifications or conditions.

## FINDINGS OF FACT

### Application History

1. On August 15, 2019, Claremont Golf Club dba Claremont Civic Association filed a complete application for the following water use:

Source	THOMPSON RD WELL (WASH 60848/L64521) IN WILLOW CREEK BASIN
Use	STORAGE FOR FISH LIFE, AESTHETICS, RECREATION AND WILDLIFE IN EIGHT RESEVOIRS, TO BE CONSTRUCTED UNDER APPLICATION R-88732; AND POND MAINTENANCE
Volume/Rate	26.14 ACRE-FEET (AF) AND 0.89 CUBIC FOOT PER SECOND (CFS)
County	WASHINGTON COUNTY
Place of Use	SECTIONS 20 & 29, TOWNSHIP 1 NORTH, RANGE 1 WEST, W.M.

2. On January 3, 2020, the Department mailed the applicant notice of its Initial Review, determining that **“The appropriation of 0.89 CFS of water from Thompson Rd Well (WASH 60848/L64521) in Willamette River Basin for storage for fish life, aesthetics, recreation, and wildlife in eight reservoirs, constructed under Application R-88732; and pond maintenance is not allowable.”** This determination was made because Thompson Rd Well (WASH 60848/L64521) did not meet minimum construction standards at the time the application was filed. The Department provided an opportunity to place the application on administrative hold to resolve the well compliance issues. The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On January 7, 2020, the Department provided notice of the application in its weekly public notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order.
4. Upon further review, the Department determined that the Initial Review erroneously omitted the volume proposed for storage. The application proposes the storage of 26.14 acre-feet (AF) of water in 8 reservoirs, to be constructed under Application R-88732, being 4.2 AF in Reservoir 1, 16.45 AF in Reservoir 2, 2.28 AF in Reservoir 3, 0.42 AF in Reservoir 4, 1.17 AF in Reservoir 5, 0.33 AF in Reservoir 6, 0.90 AF in Reservoir 7, and 0.39 AF in Reservoir 8.
5. The Department also determined that aesthetics is not a classified use under OAR 690-502-0160(2); therefore, it will not be included as a use of the stored water on the attached draft permit.
6. The standard allowable rate of water necessary for pond maintenance is 0.01 cubic foot per second (CFS) for each acre foot of stored water. If the application is approved, the rate allowed for pond maintenance will be limited to 0.26 CFS.
7. On April 9, 2020, the Department determined that Thompson Rd Well (WASH 60848/L64521) is constructed in a manner that is protective of the resource.

### Presumption Criteria (a) - Consistency with Basin Program

8. The proposed uses are allowed under the Willamette Basin Program (OAR 690-502-0160(2)). ORS 537.621(3)(b); OAR 690-310-0150(2)(b)



**Presumption Criteria (b) - Water Availability**

9. An assessment of groundwater availability has been completed by the Department. A copy of this assessment is in the file and can be viewed on the Department's website. Groundwater will likely be available within the capacity of the resource, and if properly conditioned (and if authorized), the proposed use of groundwater will avoid injury to existing groundwater rights. ORS 537.621(3)(c); OAR 690-310-0150(2)(c)

**Presumption Criteria (c) - Injury Determination**

10. The proposed use, if authorized, will not injure other water rights. ORS 537.621(3)(d); OAR 690-310-0150(2)(e)

**Presumption Criteria (d) - Whether the use complies with rules of the Commission**

11. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates an approved land-use decision has been obtained, and that either no administrative appeals were received, or all such appeals have concluded. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)
12. The Department has determined that the proposed groundwater use will not have the potential for substantial interference with surface water. ORS 537.621(3)(b); OAR 690-009-0040(4)
13. The proposed groundwater use is not located within a designated critical groundwater area. ORS 537.620(4)(a), 537.621(3)(a); OAR 690-310-0150(2)(a)

**Determination of Presumption that a proposed groundwater use will ensure the preservation of the public welfare, safety and health**

Based on the review of the presumption criteria (a)-(d) above, the presumption has been established. ORS 537.621(2); OAR 690-310-0150(2)(g)

**Further evaluation of the proposed use**

14. No comments were received by the close of the comment period. OAR 690-310-0140(3)(a)
15. Information available in Department files, received from other interested agencies, and other available information does not provide a preponderance of evidence that the proposed use would not ensure the preservation of the public welfare, safety and health under ORS 537.525. OAR 690-310-0140(3)

**Other Criteria and Requirements**

16. The proposed use is not located within or above a state scenic waterway, as designated under ORS 390.826. 537.621(3)(a); OAR 690-310-0150(2)(a)
17. The amount requested, 0.89 CFS, is in excess of the standard rate for the proposed use of pond maintenance. The amount of water requested has been limited to 0.26 CFS in the attached draft permit. ORS 537.621(3)(c); OAR 690-310-0150(2)(d)
18. The applicant proposed methods to measure the amount of water appropriated, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream, or to

prevent damage to public uses of any affected surface waters. These measures are adequate at this time. OAR 690-310-0150(2)(j)

19. The proposed use complies with rules of the Water Resources Commission not otherwise described above.

### **CONCLUSIONS OF LAW**

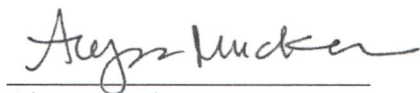
1. The proposed use, as conditioned, would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

NOTE: When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety and health.

### **PROPOSED ORDER**

The Department recommends approval of Application G-18856 and issuance of a permit consistent with the attached draft permit.

DATED August 11, 2020



Alyssa Mucken  
Water Rights Section Manager, for  
Thomas M. Byler, Director  
Oregon Water Resources Department



## Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received by the Water Resources Department no later than **September 25, 2020**.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Protests must be in writing and include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the Department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;
- If you are the applicant, a protest fee of \$410 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$810 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing.

## Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **September 25, 2020**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;





**DRAFT**

**This is not a permit.**

**DRAFT**

STATE OF OREGON

COUNTY OF WASHINGTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CLAREMONT GOLF CLUB  
DBA CLAREMONT CIVIC ASSOCIATION  
15800 NW COUNTRY CLUB DR  
PORTLAND OR 97229

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-18856

SOURCE OF WATER: THOMPSON RD WELL (WASH 60848/L64521) IN WILLOW CREEK BASIN

PURPOSE OR USE AND MAXIMUM RATE: 0.26 CUBIC FOOT PER SECOND FOR POND MAINTENANCE

PURPOSE OR USE AND MAXIMUM VOLUME: STORAGE OF 26.14 ACRE-FEET (AF), BEING 4.2 AF IN RESERVOIR 1, 16.45 AF IN RESERVOIR 2, 2.28 AF IN RESERVOIR 3, 0.42 AF IN RESERVOIR 4, 1.17 AF IN RESERVOIR 5, 0.33 AF IN RESERVOIR 6, 0.90 AF IN RESERVOIR 7, AND 0.39 AF IN RESERVOIR 8, TO BE CONSTRUCTED UNDER APPLICATION R-88732, FOR FISH LIFE, AESTHETICS, RECREATION, AND WILDLIFE

PERIOD OF USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: AUGUST 15, 2019

AUTHORIZED POINT OF APPROPRIATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 N	1 W	WM	28	SW NE	1472 FEET SOUTH AND 2 FEET EAST FROM N1/4 CORNER, SECTION 28

AUTHORIZED PLACE OF USE:

Twp	Rng	Mer	Sec	Q-Q
1 N	1 W	WM	20	NE SW
1 N	1 W	WM	20	NW SW
1 N	1 W	WM	20	SW SW
1 N	1 W	WM	20	SE SW
1 N	1 W	WM	29	NE NW
1 N	1 W	WM	29	NW NW

**1. Water Use Measurement, Recording, and Reporting Condition:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water used each month, and shall submit an annual report which includes the recorded water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

**2. Static Water Level Condition:**

Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:

- A. An average water-level decline of 3 or more feet per year for five consecutive years; or
- B. A total water-level decline of 15 or more feet; or
- C. A hydraulic interference decline of 15 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).

- A. Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
- B. In addition to the measurement required in the subsection above, a water-level measurement shall be made each year during the period March 1 through March 31.
- C. All water-level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
- D. Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment is available from the Department.



The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited herein are evidenced by the well measurement required in the static water level condition.

3. **Groundwater production shall be only from a single aquifer within the Columbia River Basalt Group.**

4. **Well Identification Tag Condition:**

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

**STANDARD CONDITIONS**

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.
3. If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
4. The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.
5. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
6. Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

7. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. 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.
9. Construction of the well shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the construction deadline to begin is missed.
10. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
11. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued \_\_\_\_\_

**DRAFT - THIS IS NOT A PERMIT**

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



# Mailing List for PFO/Draft Permit Copies

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Application G-18856

PFO Date August 11, 2020

**Original mailed via CERTIFIED MAIL to applicant:**

CLAREMONT GOLF CLUB  
DBA CLAREMONT CIVIC ASSOCIATION  
15800 NW COUNTRY CLUB DR  
PORTLAND OR 97229

Copies Mailed

By: \_\_\_\_\_  
(SUPPORT STAFF)

on: \_\_\_\_\_  
(DATE)

**Sent via auto email:**

1. Applicant - ronnutting@frontier.com
2. Agent – Will McGill - willmcgill.surveying@gmail.com
3. WRD – Watermaster District #18, Jacob W. Constans
4. WRD - Mike McCord NWR

**Copies sent to:**

1. WRD - File # G-18856
2. ALO – Wallabe Farms LLC, 13805 NW Thompson Rd, Portland, OR 97229

Application Specialist: Kim French