BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-11176, Washington County)	CHANGE IN PLACE OF USE

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, 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

RICHARD L. AND SANDRA M. TWIGG 31500 SW FIRDALE ROAD CORNELIUS OR 97113

Findings of Fact

Background

- 1. On December 27, 2010, RICHARD L. AND SANDRA M. TWIGG filed an application to change the place of use under Certificates 68504 and 76062. The Department assigned the application number T-11176.
- 2. The portion of the first right to be transferred is as follows:

Certificate: 68504 in the names of RICHARD L. AND SANDRA M. TWIGG (perfected

under Permit S-49702)

Use: IRRIGATION OF 26.1 ACRES

Priority Date: MAY 12, 1986

Rate: 148.0 GALLONS PER MINUTE

Limit/Duty: The amount of water used for irrigation, together with the amount secured

under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, from direct flow and storage from reservoir constructed under Permit R-1932, and shall conform to such reasonable rotation system as may

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may 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.

be ordered by the proper state officer, provided further water shall not be appropriated during the period from July 31 through September 15 of each

year except for stored water.

Sources:

AN UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER

PERMIT R-1932, tributaries of the TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	36	SE SW	1000 FEET NORTH AND 240 FEET WEST FROM THE S¼ CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		
1 S	3 W	WM	36	SW NE	13.2		
1 S	3 W	WM	36	SE NW	12.9		

3. The portion of the second right to be transferred is as follows:

Certificate: 76062 in the name

76062 in the names of RICHARD L. AND SANDRA M. TWIGG (perfected

under Permit G-10621)

Use: S

SUPPLEMENTAL IRRIGATION OF 26.1 ACRES

Priority Date: MAY 12, 1986

Rate:

23.8 GALLONS PER MINUTE

Limit/Duty:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of

each year.

Source:

A WELL within the TUALATIN RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	36	SE SW	1100 FEET NORTH AND 190 FEET WEST FROM THE S¼ CORNER OF SECTION 36

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION								
Twp Rng Mer Sec Q-Q Acres								
1 S	3 W	WM	36	SW NE	13.2			
1 S	3 W	WM	36	SE NW	12.9			

4. Transfer Application T-11176 proposes to change the place of use of the rights to:

IRRIGATION AND SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		
1 S	3 W	WM	36	NW SW	26.1		

- 5. Notice of the application for transfer was published on January 4, 2011, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 6. On February 9, 2011, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11176 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of March 14, 2011, 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 applicants are authorized to pursue the transfer.
- 7. On March 2, 2011, the applicants requested to change the completion date of the transfer to October 1, 2013.
- 8. On March 4, 2011, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11176 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 8, 2011 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria [OAR 690-380-4010(2)]

- 9. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11176.
- 11. The proposed change would not result in enlargement of the rights.
- 12. The proposed change would not result in injury to other water rights.

Conclusions of Law

The change in place of use proposed in Transfer Application T-11176 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- 1. The change in place of use proposed in Transfer Application T-11176 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 Certificates 68504 and 76062, and any related decree.

- 3. Water right certificates 68504 and 76062 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
- 4. The former place of use of the transferred rights shall no longer receive water under the rights.
- 5. The approved change shall be completed and full beneficial use of the water shall be made on or before **October 1, 2013**. 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(s) and full beneficial use of the water.
- 6. When satisfactory proof of the completed change is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 25 day of April, 2011.

Dwight Vierch, Water Right Services Administrator for

PHILI/II C. WARD, DIRECTOR

Mailing Date: APR 2 7 2011