

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

In the Matter of Transfer Application                    )     FINAL ORDER  
T-14085, Washington County                            )     APPROVING A CHANGE IN PLACES OF USE

**Authority**

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicant**

TWIGG FARMS LLC  
31721 SW FIRDALE RD  
CORNELIUS, OR 97113

**Findings of Fact**

1. On September 9, 2022, TWIGG FARMS LLC filed an application to change the place of use under Certificates 76061, 86736, and 87026. The Department assigned the application number T-14085.
2. Notice of the application for transfer was published on September 20, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 8, 2022, the Department contacted the applicant’s agent regarding Certificate 76061. Certificate 76061 is for supplemental irrigation and the proposed “TO” lands have no underlying primary water right in place.
4. On November 23, 2022, the Department received revisions that removed Certificate 76061 from the application leaving the proposed change in place of use under Certificates 86736 and 87026.

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.

5. On December 21, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14085 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 23, 2023, for the applicant to respond. The applicant 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.
6. On February 22, 2023, the Department issued a Preliminary Determination proposing to approve Transfer T-14085 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 28, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the first right to be transferred is as follows:

**Certificate:** 86736 in the name of RICHARD L. AND SANDRA M. TWIGG, dba TWIGG FARM (perfected under Permit S-33622)

**Use:** IRRIGATION of 7.7 ACRES

**Priority Date:** MAY 24, 1968

**Rate:** 0.10 CUBIC FOOT PER SECOND

**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:** UNNAMED STREAM, tributary to TUALATIN RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	36	SE SW	1140 FEET NORTH AND 275 FEET WEST FROM THE S1/4 CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SE NW	7.7

8. Transfer Application T-14085 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SW NW	0.1
1 S	3 W	WM	36	SE NW	7.6
Total					7.7

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

**Certificate:** 87026 in the name of RICHARD L. AND SANDRA M. TWIGG, DBA TWIGG FARM (perfected under Permit G-10621)  
**Use:** SUPPLEMENTAL IRRIGATION of 11.7 ACRES  
**Priority Date:** MAY 12, 1986  
**Rate:** 10.6 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 in the TUALATIN 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 S1/4 CORNER OF SECTION 36

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SE SW	11.7

10. Transfer Application T-14085 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SW NW	0.1
1 S	3 W	WM	36	SE NW	11.6
Total					11.7

**Transfer Review Criteria (OAR 690-380-4010)**

11. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
12. 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-14085.
13. The proposed change would not result in enlargement of the rights.
14. The proposed change would not result in injury to other water rights.
15. All other application requirements are met.

### Determination and Proposed Action

The change in places of use proposed in Transfer Application T-14085 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

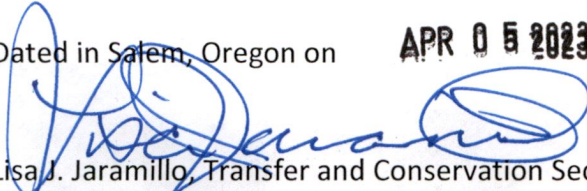
#### Now, therefore, it is ORDERED:

1. The change in places of use proposed in Transfer Application T-14085 are 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 86736 and 87026, and any related decree.
3. Water right Certificates 86736 and 87026 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. 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 diversion/appropriation (new and existing).
  - 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.
5. The former places of use of the transferred rights shall no longer receive water under the rights.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. 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 changes and full beneficial use of the water.

7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

**APR 05 2023**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: APR 06 2023