

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

In the Matter of Transfer Application                    )     FINAL ORDER APPROVING A CHANGE IN  
T-14064, Washington County                            )     POINT OF APPROPRIATION

**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**

DOUGLAS J. RIEDWEG AND RUTH A. BURRIS  
31670 SW RIEDWEG RD  
CORNELIUS, OR 97113

**Findings of Fact**

1. On August 4, 2022, DOUGLAS J. RIEDWEG AND RUTH A. BURRIS, filed an application to change the point of appropriation under Certificate 47658. The Department assigned the application number T-14064.
2. Notice of the application for transfer was published on August 9, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 12, 2023, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14064 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of October 12, 2023, 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 applicant is authorized to pursue the transfer.
4. On September 14, 2023, the agent for the applicant requested the completion date be extended to allow enough time to complete the construction of the well pursuant to OAR 690-380-5140 (3). The Department extended the completion date of the transfer to October 1, 2030.

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 February 27, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14064 to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 5, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 47658 in the name of ALBERT CALVIN RIEDWEG (perfected under Permit G-5783)  
**Use:** IRRIGATION OF 37.9 ACRES  
**Priority Date:** JULY 31, 1973  
**Rate:** 0.129 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, 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.  
**Source:** A WELL, a tributary of JOHNSON CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	25	NW NE	1830 FEET WEST AND 1350 FEET SOUTH FROM THE NW CORNER OF RICE DLC 56

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	3 W	WM	24	SE SW	4	3.8
1 S	3 W	WM	24	SW SE	5	8.2
1 S	3 W	WM	25	NW NE		16.4
1 S	3 W	WM	25	SW NE	4	1.0
1 S	3 W	WM	25	NE NW		8.0
1 S	3 W	WM	25	SE NW		0.5
Total						37.9

7. Transfer Application T-14064 proposes to move the authorized point of appropriation approximately 20.0 feet west from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	25	NW NE	1350 FEET SOUTH AND 1850 FEET WEST FROM THE NW CORNER OF RICE DLC 56

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]**

8. 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 right is subject to forfeiture under ORS 540.610.



9. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14064.
10. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
11. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other existing water rights.
14. All other application requirements are met.

#### **Conclusions of Law**

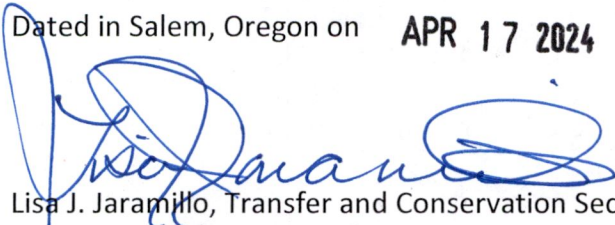
The change in point of appropriation proposed in Transfer Application T-14064 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of appropriation proposed in Transfer Application T-14064 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 47658 and any related decree.
3. Water right Certificate 47658 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 new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. 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.

7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2030**. 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. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **APR 17 2024**



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

Mailing date: **APR 18 2024**