

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

In the Matter of the Completion of Changes )  
in Points of Diversion and Place of Use ) DETERMINATION OF SATISFACTORY  
Under Transfer Application T-12780 for ) PROOF OF COMPLETION FOR A  
Certificate 88122, in the name of Tualatin ) PERMANENT TRANSFER FOR A DISTRICT  
Valley Irrigation District, Washington County )

**Authority**

Oregon Administrative Rule (OAR) 690-380-6030 describes the documentation that must be filed with the Department in order to provide proof of use.

OAR 690-380-6040 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statute (ORS) 540.530(2)(a) authorizes the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent transfer for an irrigation district.

**Order Issued To:**

TUALATIN VALLEY IRRIGATION DISTRICT  
2330 ELM ST  
FOREST GROVE, OR 97116

**Findings of Fact**

1. On November 26, 2019, the Department signed a final order, which was mailed on November 26, 2019, and recorded in Special Order Volume 114, Pages 434-441, approving Transfer Application T-12780 involving Certificate 88122, in the name of Tualatin Valley Irrigation District (TVID), and Certificates 23038 and 23065, in the name of C.B. Buchanan, Jr. The final order established October 1, 2020, as the date for completion of the authorized changes to points of diversion and to places of use.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

2. On October 29, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-12780 satisfying the requirements for providing proof of use under OAR 690-380-6030 for Certificate 88122.
3. This Determination of Satisfactory Proof of completion for a permanent district transfer pertains to Certificate 888122 issued in the name of TVID. Confirming certificates will be issued for the transfer initiated under Certificates 23038 and 23065 when satisfactory proof has been determined for those portions of T-12780.
4. The Department reviewed the CBU and maps pertaining to Certificates 88122 submitted by the applicant for Transfer Application T-12780.
5. The proposed points of diversion (POD) and place of use for Certificate 88122 for primary and supplemental irrigation as approved in the final order for Transfer Application T-12780, and as recorded in Special Order Volume 114, Pages 434-441 are shown in Table 1, below:

**Table1**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres	POD
2 S	2 W	WM	11	NW NW	39	14.0	B (new)
SUPPLEMENTAL IRRIGATION							
2 S	2 W	WM	10	NE NE	39	0.9	B (new)
2 S	2 W	WM	10	SE NE	39	0.1	B (new)
2 S	2 W	WM	11	NE NW	39	2.7	B (new)
2 S	2 W	WM	11	NW NW	39	6.3	B (new)
2 S	2 W	WM	11	SW NW	39	2.9	B (new)
2 S	2 W	WM	11	NE SW	46	1.0	R-25.5 (existing)
2 S	2 W	WM	11	SE SW	46	14.7	R-25.5 (existing)
2 S	2 W	WM	11	SW SE	46	6.9	R-25.5 (existing)
<b>Total</b>						<b>35.5</b>	

6. The proposed locations of the points of diversion referenced in Table 2 are as follows:

**Table 2**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original point of diversion in miles (mi.)
2 S	2 W	WM	11	NE SW	*POD R-25.5 - 1810 FEET NORTH AND 1870 FEET EAST FROM THE SW CORNER OF SECTION 11	33.1 mi.
2 S	2 W	WM	11	NW SW	POD B - 1280 FEET NORTH AND 500 FEET EAST FROM THE SW CORNER OF SECTION 11	32.7 mi.

\*This POD is existing on the Certificate 88122; it is not new.

7. The quantity of water as approved in Special Order Volume 114, Pages 434-441 for 14.0 acres of primary irrigation and 35.5 acres of supplemental irrigation is 0.62 Cubic Foot per

Second (cfs), being 0.35 cfs from Scoggins Creek and Reservoir, 0.1 cfs from Gales Creek, and 0.26 cfs from the Tualatin River.

8. A totalizing flow meter has been installed at POD B as required in Special Order Volume 114, Pages 434-441, for T-12780.
9. On October 29, 2020, the Department received documentation from the Oregon Department of Fish and Wildlife, stating that with the use, care, and maintenance of the self-cleaning Sure Flo SCS8 fish screen, the screening requirements for T-12780 are satisfied. There is no by-pass device required.
10. Based on the review of evidence submitted by the applicant, the Department finds that the application of water to beneficial use under the terms of the transfer final order for T-12780 for Certificates 88122 was completed to the extent authorized in the transfer as described in Tables 1 and 2.

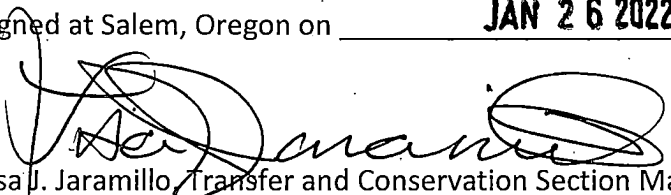
**Conclusions of Law**

1. The Applicant has submitted proof of use pursuant to OAR 690-380-6030 for Certificate 88122.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Tables 1 and 2, above.
3. The applicant has demonstrated proof of completion under T-12780 for Certificate 88122 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-12780 consistent with this determination of satisfactory proof of completion.

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

1. Water right Certificate 88122 is modified as shown in Tables 1 and 2, above. The Department will issue a superseding certificate describing this right when it determines it is necessary for record keeping.

Signed at Salem, Oregon on JAN 26 2022

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing Date: JAN 27 2022