



herein and further limited to the use of stored water only on the lands described as supplemental.

Source: SCOGGINS CREEK and RESERVOIR, GALES CREEK, and the TUALATIN RIVER

**Authorized Point of Diversion:**

POD	Twp	Rng	Mer	Sec	Q-Q	Latitude and Longitude
SHPP	1 S	3 W	WM	8	SW SW	SPRINGHILL PUMPING PLANT- 45°29'32.73" N, -123° 5' 33.85"W

**Authorized Places of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	POD
1 N	4 W	WM	14	SW NE	701	16.2	SHPP
1 N	4 W	WM	14	SW NW	701	1.0	SHPP
1 N	4 W	WM	14	NE SE	701	0.1	SHPP
1 N	4 W	WM	14	NW SE	701	2.0	SHPP
<b>Total:</b>						<b>19.3</b>	

4. Transfer Application T-11899 proposes to change the places of use to:

**Proposed Places of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	POD
1 N	4 W	WM	14	NE NW	301	14.0	SHPP
1 N	4 W	WM	14	SE NW	301	5.3	SHPP
<b>Total:</b>						<b>19.3</b>	

5. The district permanent transfer application satisfies the criteria of OAR 690-385-4000 contains the information required under OAR 690-385-2000 and includes maps meeting the requirements of OAR 690-385-2200.
6. The water right is subject to transfer as defined in OAR 690-385-0100(17).
7. The proposed change in places of use will not result in enlargement of the right.
8. The proposed change in places of use will not result in injury to other water rights.

***Partial Cancellation of Certain Water Rights***

9. On October 1, 2014, the applicant submitted an affidavit from the current landowner James M. Love (7750 NW Kansas City Rd. Forest Grove, OR 97116) authorizing the partial cancellation of the portions of water right Certificates 42048 and 42051 for which the place of use conflicts with an incoming District water right, thus addressing the conflict.
10. On February 26, 2015, the applicant submitted, via email, an additional affidavit authorizing the partial cancellation of a portion of water right Certificate 35052, which was in conflict with the incoming District water right; thus addressing the conflict. A hard copy of the affidavit was received by the Department on March 2, 2015.
11. Pursuant to OAR 690-017-0100(2), the Department determined that the affiant (James M. Love) is the recorded owner, as established by county deed records, of land to which the

portions of the water rights evidenced by Certificates 42048, 42051, and 35052 (described in Findings of Fact #9 and #10) are appurtenant.

12. The portion of the first right to be cancelled is as follows:

**Certificate:** 42048, in the name of MELVIN L. LOVE (perfected under Permit G-4571)  
**Use:** IRRIGATION (IR) of 5.3 Acres and SUPPLEMENTAL IRRIGATION (IS) of 19.3 Acres  
**Priority Date:** April 30, 1969  
**Rate:** 0.03 CUBIC FOOT PER SECOND (CFS)  
**Source:** A WELL in DAIRY CREEK BASIN

**Authorized Place of Use to be Cancelled:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres		Affiant
						IR	IS	
1 N	4 W	WM	14	NE NW	301		14.0	James M. Love
1 N	4 W	WM	14	SE NW	301	5.3	5.3	James M. Love
<b>Totals</b>						<b>5.3</b>	<b>19.3</b>	

13. The portion of the second right to be cancelled is as follows:

**Certificate:** 42051 in the name of MELVIN L. LOVE (perfected under Permit S-31937)  
**Use:** SUPPLEMENTAL IRRIGATION of 19.3 ACRES  
**Priority Date:** May 25, 1966  
**Rate:** 1.8 ACRE FEET (AF)  
**Source:** A RESERVOIR tributary to DAIRY CREEK

**Authorized Place of Use to be Cancelled:**

Twp	Rng	Mer	Sec	Q - Q	Tax Lot	Acres	Affiant
1 N	4 W	WM	14	NE NW	301	14.0	James M. Love
1 N	4 W	WM	14	SE NW	301	5.3	James M. Love
<b>Total</b>						<b>19.3</b>	

14. The portion of the third right to be cancelled is as follows:

**Certificate:** 35052 in the name of MELVIN L. LOVE (perfected under Permit S-28825)  
**Use:** IRRIGATION of 19.3 ACRES and SUPPLEMENTAL IRRIGATION of 18.3 ACRES  
**Priority Date:** May 6, 1963  
**Rate:** 0.23 CUBIC FOOT PER SECOND (CFS) and 1.32-ACRE FEET (AF)  
**Source:** DRAINAGE DITCH #7 and RESERVOIR, tributary to the NORTH FORK of DAIRY CREEK

**Authorized Place of Use to be Cancelled:**

THE PORTION OF CERTIFICATE 35052 TO BE CANCELLED								
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres		Affiant
						Primary	Supplemental	
1 N	4 W	WM	14	NE NW	301	14.0	10.2	James M. Love
1 N	4 W	WM	14	SE NW	301	5.3	8.0	James M. Love
<b>Totals</b>						<b>19.3</b>	<b>18.2</b>	

**Conclusions of Law**

The proposed changes in place of use as proposed in Transfer Application T-11899 satisfy the requirements of ORS 540.574(3) and 540.580.

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

1. The proposed changes in place of use to the water right as evidenced by Special Order Volume 67, Pages 627- 662, 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 water use Permit S-35792, Special Order Volume 67, pages 627-662, and any related decree.
3. The former places of use shall no longer be irrigated as part of this water right.
4. The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.
5. The portions of the water rights evidenced by Certificates 42048, 42051 and 35052, as described in Findings of Fact #12, #13 and #14, are cancelled. New certificates will be issued confirming the balance of the rights not modified by this Final Order.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2016**. A Claim of Beneficial Use shall be submitted by Tualatin Valley Irrigation District to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
7. Special Order Volume 67, Pages 627-662, is modified. The Department will issue a superseding certificate describing the right when it determines it is necessary for record keeping.

Dated at Salem, Oregon this 24 day of March, 2015.

  
Dwight French, Water Right Services Administrator for  
THOMAS M. BYLER, DIRECTOR

Mailing Date: MAR 26 2015