

BEFORE THE WATER RESOURCES DEPARTMENT
FOR THE
STATE OF OREGON

IN THE MATTER OF MODIFYING A)
PORTION OF A CERTIFICATE OF WATER)
RIGHT 88122, ISSUED IN THE U.S. BUREAU) CORRECTING FINAL ORDER
OF RECLAMATION, WASHINGTON)
COUNTY)

Findings of Fact

1. Certificate 88122 was issued by the Oregon Water Resources Department on August 11, 2015, to the U.S. Bureau of Reclamation for use of water from Scoggins Creek, Gales Creek, and Scoggins Reservoir/Henry Hagg Lake (constructed under Permit R-5777), tributaries to the Tualatin River; and the Tualatin River.
2. The operation and maintenance of Scoggins Reservoir/Henry Hagg Lake is conducted by TVID for the United States and district patrons pursuant to a contract between the District and Reclamation.
3. The Certificate 88122 was perfected under Permit S-35792. The date of priority is February 20, 1963. The amount of water to which the right is entitled is limited to an amount actually used beneficially, and shall not exceed 212.5 cubic feet per second (cfs), being 118.7 cfs from Scoggins Creek and Reservoir, 3.8 cfs from Gales Creek, and 90 cfs from the Tualatin River.
4. Certificate 88122 was issued for irrigation of 12,156.3 acres and supplemental irrigation of 4922.5 acres within the Tualatin Valley Irrigation District (TVID). Oregon Administrative Rule 690-300-0010(52) defines a supplemental water right or supplemental water use permit as an additional appropriation of water to make up a deficiency in supply from an existing water right. A supplemental right is used in conjunction with a primary water right.
5. This order is issued to correct 9.1 acres described as supplemental irrigation that should have been described as primary irrigation on Certificate 88122. The subject 9.1 acres had been layered with primary irrigation under Certificate 27267, issued in the names of Waibel, Schoenbacher and Newsham. However, Certificate 27267 was cancelled on December 5, 2014, prior to the issuance of Certificate 88122. It was cancelled by Special Order Volume 93, Page 949. When Certificate 88122 was issued, the 9.1 acres were no

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.

longer layered with a primary irrigation right, therefore they should have been confirmed in the certificate as primary irrigation.

6. The 9.1 acres as described below is corrected in Certificate 88122 from supplemental irrigation to primary irrigation.

Twp	Rng	Mer	Sec	Q-Q	G-Lot	Acres
1 S	2 W	WM	8	SE SE		6.9
1 S	2 W	WM	17	NE NE	1	2.2
Total						9.1

7. The number of acres for irrigation and supplemental irrigation authorized under Certificate 88122 is hereby corrected from irrigation of 12,156.3 acres and supplemental irrigation of 4922.5 acres to irrigation of 12,165.4 acres and supplemental irrigation of 4913.4 acres within the Tualatin Valley Irrigation District (TVID).

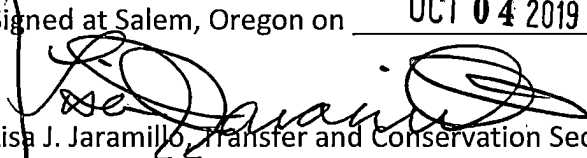
Conclusions of Law

The 9.1 acres described in Finding of Fact #6 were erroneously listed as supplemental irrigation in Certificate 88122 since water use at that location was not layered with any other water right at the time the certificate was issued.

Now, therefore, it is ORDERED:

Water right Certificate 88122 is modified to change 9.1 acres at the location described in Finding of Fact #6, above, from supplemental irrigation to primary irrigation. A superseding water right certificate will be issued when the Department determines it is necessary for record keeping.

Signed at Salem, Oregon on OCT 04 2019


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

Mailing Date: OCT 04 2019