

BEFORE THE WATER RESOURCES DEPARTMENT
FOR THE
STATE OF OREGON

In the Matter of the Completion of a Change) DETERMINATION OF SATISFACTORY
in Place of Use Under Transfer Application) PROOF OF COMPLETION FOR A
T-10293, Washington County) PERMANENT DISTRICT TRANSFER

Authority

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 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) and OAR 690-385-7600 authorize 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 district transfer.

Applicant

TUALATIN VALLEY IRRIGATION DISTRICT
2330 ELM STREET
FOREST GROVE, OR. 97116

Findings of Fact

1. On April 4, 2019, the Department signed a final order, which was mailed on April 5, 2019, and recorded in Special Order Volume 112, Pages 872-883, approving Transfer Application T-10293 involving Certificate 88122. The final order established October 1, 2020, as the date for completion of the authorized changes in place of use.
2. On August 11, 2020, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10293 satisfying the requirements for providing proof of use under OAR 690-385-7400.

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.

3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-10293.
4. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
5. The proposed place of use for Certificate 88122 as approved the final order for Transfer Application T-10293, and as recorded in Special Order Volume 112, Pages 872-883 is shown in Table 1, below:

Table 1:

IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Glo	DLC	Acres	TaxLot	Water User	Notice
1 N	3 W	WM	4	SW SE		37	10.9	900	HEIKES	2006-107
1 N	3 W	WM	4	SW SE		37	3.6	1000	HEIKES	2006-107
1 N	3 W	WM	4	SESE		37	0.2	1000	HEIKES	2006-107
1 N	3 W	WM	4	SE SE		41	1.5	1000	HEIKES	2006-107
1 N	3 W	WM	9	NE NE		41	12.3	1000	HEIKES	2006-107
1 N	3 W	WM	9	NW NE		37	1.7	900	HEIKES	2006-107
1 N	3 W	WM	9	NW NE		37	2.2	1000	HEIKES	2006-107
1 N	3 W	WM	9	NW NE	1		1.2	1000	HEIKES	2006-107
1 N	3 W	WM	9	NW NE	1		8.6	100	HEIKES	2006-107
1 N	3 W	WM	9	NW NE		41	2.4	1000	HEIKES	2006-107
1 N	3 W	WM	10	SE SW		45	3.3	700	KEN BUELT	2006-105
1 N	3 W	WM	10	SW SE		45	9.0	700	KEN BUELT	2006-105
1 N	3 W	WM	15	NW NE		45	3.8	700	KEN BUELT	2006-105
1 N	3 W	WM	15	NE NW		45	0.2	700	KEN BUELT	2006-105
1 S	3 W	WM	12	SW SE			0.7	1200	MARY JESSE TRUST	2006-103
1 S	3 W	WM	12	SE SE			7.3	1200	MARY JESSE TRUST	2006-103
1 S	3 W	WM	14	SW NE		57	6.2	500	FURBY & JESSE FARMS	2006-102
1 S	3 W	WM	14	NE SW		57	1.4	500	FURBY & JESSE FARMS	2006-102
1 S	3 W	WM	14	NW SE		57	12.4	500	FURBY & JESSE FARMS	2006-102
1 S	3 W	WM	16	NE SE			33.9	800	J & A PROPERTIES LLC	2006-107
1 S	3 W	WM	16	NW SE			26.4	800	J & A PROPERTIES LLC	2006-107
1 S	4 W	WM	11	SE NE		40	2.0	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	11	NE SW		40	0.7	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	11	NE SE		40	15.0	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	11	NW SE		40	19.3	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	11	SE SE		40	1.8	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	12	SW NW		40	6.2	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	12	NW SW		40	36.3	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	12	SW SW		40	17.2	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	12	SE SW		40	1.5	1700	MONTINORE RANCH LLC	N/A
1 S	4 W	WM	33	NE NE		50	9.2	300	HALLY HAWORTH	2006-100

IRRIGATION										
Twp	Rng	Mer	Sec	Q-Q	Glo	DLC	Acres	TaxLot	Water User	Notice
1 S	4 W	WM	33	NE NE		50	9.6	400	HALLY HAWORTH	2006-100
1 S	4 W	WM	33	NW NE		50	0.2	400	HALLY HAWORTH	2006-100
1 S	4 W	WM	33	SW NE		50	1.3	400	HALLY HAWORTH	2006-100
1 S	4 W	WM	33	SE NE		50	9.7	300	HALLY HAWORTH	2006-100
1 S	4 W	WM	33	SE NE		50	14.4	400	HALLY HAWORTH	2006-100
Total:							293.6			

6. 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-10293 was completed to the extent authorized in the transfer as described in Table 1.


Conclusions of Law

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 1, above.
3. The applicant has demonstrated proof of completion under T-10293 to the satisfaction of the Department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-10293 consistent with this determination of satisfactory proof of completion.

Now, therefore, it is ORDERED:

1. Water right Certificates 88122 is modified as shown in Table 1, 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 SEP 03 2020


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

Mailing Date: SEP 04 2020