

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

IN THE MATTER OF CLARIFYING THE DISPOSITION OF THE )  
CONFIRMED PLACE OF USE UNDER TRANSFER ) FINAL ORDER  
T-10683 AND CANCELLATION OF WATER RIGHT )  
CERTIFICATE 92033, 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 December 29, 2009, the Department issued a final order, which was recorded in Special Order Volume 79, Pages 1258-1262, approving Transfer Application T-10683 involving Permit S-35792 issued in the name of U.S. Bureau of Reclamation. The water right is managed by Tualatin Valley Irrigation District, and exists within the district's boundary. The final order established October 1, 2011, as the date for completion of the authorized changes in use and place of use.
2. On April 19, 2012, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-10683 satisfying the requirements for providing proof of use under OAR 690-380-6030.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

3. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11071 also involving Permit S-35792 issued in the name of U.S. Bureau of Reclamation.
4. On August 11, 2015, the Department issued Certificate 88122 in the name of U.S. Bureau of Reclamation to confirm Permit S-35792. Certificate 88122 includes a description of the inchoate water right reflected by Transfer T-10683, being 3.8 acres located in Township 1 North, Range 3 West, Section 35, SE1/4 NE1/4.
5. On December 16, 2016, the Department issued Certificate 92033 in the names of Brian and Dee Moore confirming the same 3.8 acres located in Township 1 North, Range 3 West, Section 35, SE1/4 NE1/4, as approved in Transfer T-10683.
6. Pursuant to Oregon Revised Statute 540.530(2)(a), Certificate 88122 should be modified to confirm the acreage under Transfer T-10683. Certificate 92033 should be cancelled to avoid duplicate confirmation of the same 3.8 acres on two separate water rights.

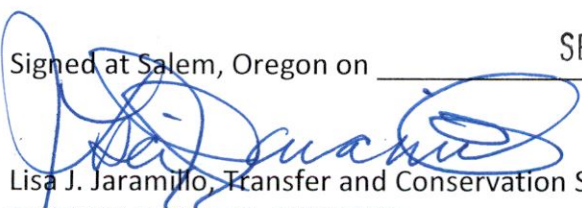
#### Conclusions of Law

The Director of the Water Resources Department concludes the 3.8 acres described in Findings of Fact 4 and 5 above, should be confirmed only on Certificate 88122; and Certificate 92033 should be cancelled.

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

1. Certificate 92033 is cancelled.
2. Water right Certificate 88122 is modified by the confirmation of 3.8 acres as described in finding of Fact 4, 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 02 2020.

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

Mailing Date: SEP 03 2020