

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

In the Matter of the Completion of a Change in Use Under Transfer Application T-11071, Washington County	) ) ) )	DETERMINATION OF SATISFACTORY PROOF OF COMPLETION FOR A PERMANENT TRANSFER FOR A DISTRICT
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**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 October 22, 2010, the Department signed a final order, which was mailed on October 25, 2010, and recorded in Special Order Volume 82, Pages 1157-1160, approving Transfer Application T-11071 involving Permit S-35792 issued in the name of U.S. Bureau of Reclamation. The final order established October 1, 2012, as the date for completion of the authorized changes in use and place 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 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-11071.
3. On July 27, 2016, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11071 satisfying the requirements for providing proof of use under OAR 690-380-6030.
4. The Department reviewed the CBU and maps submitted by the applicant for Transfer Application T-11071.
5. The place of use for Permit S-35792 (now Certificate 83571) as approved in the final order for Transfer Application T-11071, and as recorded in Special Order Volume 82, Pages 1157-1160 is shown in Table 1, below:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	2 W	WM	2	SW SW	39	5.6
2 S	2 W	WM	2	SE SW	39	4.8
2 S	2 W	WM	11	NE NW	39	11.9
2 S	2 W	WM	11	NW NW	39	13.6

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-11071 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 690-380-6030.
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-11071 to the satisfaction of the Department.
4. The Department is authorized to issue or modify irrigation district water rights involved in transfer T-11071 consistent with this determination of satisfactory proof of completion.

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

1. Water right Certificate 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.

AUG 19 2020

Signed at Salem, Oregon on \_\_\_\_\_.



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

AUG 20 2020

Mailing Date: \_\_\_\_\_