



5. On April 9, 2018, the U.S. Bureau of Reclamation was notified of the transfer application; no comments were received from the Bureau within 90 days of the notification.
6. On May 1, 2018, the applicant's agent submitted revised maps to correctly identify the acres being transferred to the new place of use.
7. On May 4, 2018, the Tualatin Valley Irrigation District (District) certified that they consented to the applicant's proposed water right transfer application and maps. Transfer Application T-12693 proposes to transfer a water right within the boundaries of the District and involving Certificate 88122 in the name of the U.S. Bureau of Reclamation.
8. On June 13, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12693 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 13, 2018, for the applicant to respond.
9. On June 27, 2018, the applicant's agent contacted the Department to correct the location of the proposed point of diversion, as it was identified in the application.
10. On June 27, 2018, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-12693 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of July 30, 2018, for the applicant to respond.
11. On June 29, 2018, the applicant requested that the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. The applicant also requested 5 years in order to complete full beneficial use of the water under T-12693.
12. On October 8, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12693 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on October 9, 2018, and in the Portland Tribune newspaper on October 12, and 19, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
13. On October 26, 2018, the Department determined that specific findings would need to be included to identify the U.S. Bureau of Reclamation, as the certificate holder of record for Certificate 88122, which will be modified by this order. The Department determined a revised Preliminary Determination would be issued.
14. After proof of completion, any water right certificate issued to confirm the changes to Certificate 88122 under Transfer T-12693 is to remain in the name of the U.S. Bureau of Reclamation. All other confirming certificates will be issued in the name of the receiving land owner.
15. On January 28, 2019, the Department issued a revised Preliminary Determination proposing to approve Transfer T-12693 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for transfer application T-12693 was published on the

Department's weekly notice on January 29, 2019, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

16. The portion of the first right to be transferred is as follows:

- Certificate:** 15472 in the name of C. B. BUCHANAN (perfected under Permit S-15058)  
**Use:** IRRIGATION of 54.0 ACRES  
**Priority Date:** AUGUST 20, 1941  
**Rate:** 0.68 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** TUALATIN RIVER, a tributary of WILLAMETTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	GLot
1 S	3 W	WM	3	SE SE	1

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	3	NE SE	49	24.9
1 S	3 W	WM	3	NW SE	49	6.2
1 S	3 W	WM	3	SW SE	49	2.3
1 S	3 W	WM	3	SE SE	49	20.6
					Total	54.0

17. Transfer Application T-12693 proposes to move the authorized point of diversion approximately 3.4 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	11	NE SE	R-46.1 - 540 FEET NORTH AND 1760 FEET EAST FROM THE SE CORNER OF DLC 49

18. Transfer Application T-12693 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	3 W	WM	11	SW NE		8.1
1 S	3 W	WM	11	SE NW		2.1
1 S	3 W	WM	11	NE SW	3	8.7
1 S	3 W	WM	11	SE SW	4	4.3
1 S	3 W	WM	11	NW SE		28.1
1 S	3 W	WM	11	SW SE		2.7
					Total	54.0

19. The portion of the second right to be transferred is as follows:

**Certificate:** 88122 in the name of US BUREAU OF RECLAMATION (perfected under Permit S-35792)

**Use:** IRRIGATION of 34.5 ACRES and SUPPLEMENTAL IRRIGATION of 52.8 ACRES

**Priority Date:** FEBRUARY 20, 1963

**Rate:** 1.09 CUBIC FEET PER SECOND, BEING 0.61 CFS FROM SCOGGINS CREEK AND RESERVOIR, 0.02 CFS FROM GALES CREEK, AND 0.46 CFS FROM THE TUALATIN RIVER

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-5777 and as evidenced by Certificate 81149; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein. The right is further limited to the use of stored water only on the lands described as supplemental irrigation.

**Source:** SCOGGINS CREEK, GALES CREEK, AND SCOGGINS RESERVOIR/HENRY HAGG LAKE (constructed under Permit R-5777), tributaries to the TUALATIN RIVER, and the TUALATIN RIVER, a tributary of the WILLAMATTE RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	11	NE SE	540 FEET NORTH AND 1760 FEET EAST FROM THE SE CORNER OF DLC 49

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
1 S	3 W	WM	11	SW NE		7.8
1 S	3 W	WM	11	NE SW	3	2.3
1 S	3 W	WM	11	NE SE		0.2
1 S	3 W	WM	11	NW SE		23.4
1 S	3 W	WM	11	SW SE		0.8
Total						34.5

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	3	NE SE	49	26.5
1 S	3 W	WM	3	NW SE	49	6.4
1 S	3 W	WM	3	SW SE	49	2.3
1 S	3 W	WM	3	SE SE	49	17.6
Total						52.8

20. Transfer Application T-12693 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	11	SE NW	49	12.4
1 S	3 W	WM	11	NE SW	49	21.0
1 S	3 W	WM	11	SE SW	49	1.1
Total						34.5

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	11	SW NE	8.1
1 S	3 W	WM	11	SE NW	2.1
1 S	3 W	WM	11	NE SW	8.7
1 S	3 W	WM	11	SE SW	3.1
1 S	3 W	WM	11	NW SE	28.1
1 S	3 W	WM	11	SW SE	2.7
Total					52.8

21. The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screening and/or by-pass device is necessary at the new point of diversion to prevent fish from entering the diversion and/or safely transport fish back to the body of water from which the fish were diverted and that the diversion is not currently equipped with an appropriate fish screening and/or by-pass device. This diversion may be eligible for screening cost share funds.

***Transfer Review Criteria [OAR 690-380-4010(2)]***

22. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
23. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12693.
24. The proposed changes would not result in enlargement of the rights.
25. The proposed changes would not result in injury to other water rights.
26. All other application requirements are met.

**Conclusions of Law**

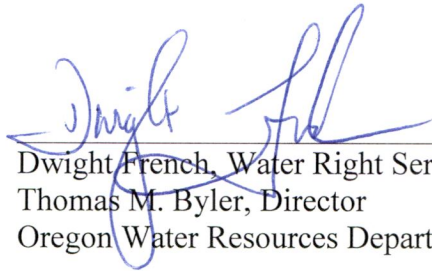
The change in point of diversion and change in place of use proposed in Transfer Application T-12693 are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

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

1. The change in point of diversion and change in place of use proposed in Transfer Application T-12693 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 Certificates 15472 and 88122 and any related decree.
3. Water right Certificate 15472 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water right Certificate 88122 is modified. A superseding confirming-remaining water right certificate in the name of the U.S. Bureau of Reclamation will be issued when the Department determines it is necessary for record keeping.
5. The quantity of water diverted at the new point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at the new point of diversion on the Tualatin River.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
  - d. The water user shall maintain and operate the existing measurement device for Certificate 88122 and shall make such improvements as may be required by the Department.
7. Prior to diverting water, the water user shall install a fish screening and/or by-pass device, as appropriate, at the new point of diversion consistent with the Oregon Department of Fish and Wildlife's (ODFW) design and construction standards. Prior to installation, the water user shall obtain written approval from ODFW that the required screen and/or by-pass device meets ODFW's criteria. Prior to submitting a Claim of Beneficial Use, the water user must obtain written approval from ODFW that the required screening and/or by-pass device was installed to the state's criteria. The water user shall maintain and operate the fish screen and/or by-pass device, as appropriate, at the point of diversion consistent with ODFW's operational and maintenance standards.
8. The former place of use of the transferred rights shall no longer receive water under the rights.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the receiving landowner to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
10. Water right certificate 88122 is modified. After satisfactory proof of completion has been determined by the Department, a superseding confirming-remaining water right certificate in the name of the U.S. Bureau of Reclamation will be issued when the Department determines it is necessary for record keeping.
11. After satisfactory proof of completion has been determined by the Department, a new certificate confirming the changes to originating water right Certificate 15472 will be issued.

Dated at Salem, Oregon this MAR 11 2019.



Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

Mailing date: MAR 12 2019