

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

In the Matter of Transfer Application	)	FINAL ORDER
T-13546, Washington County	)	DENYING A CHANGE FROM A SURFACE
	)	WATER POINT OF DIVERSION TO A
	)	GROUNDWATER POINT OF
	)	APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

DC SUPPORT GROUP INC.  
2275 SW LAFOLLETT RD  
CORNELIUS, OR 97113

**Findings of Fact**

1. On October 26, 2020, DC SUPPORT GROUP INC filed an application to change the surface water point of diversion to a groundwater point of appropriation under Certificate 29155. The Department assigned the application number T-13546.
2. Notice of the application for transfer was published on November 17, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On September 2, 2022, the Department sent a copy of the draft Preliminary Determination proposing to deny Transfer Application T-13546 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 2, 2022, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On June 26, 2023, the Department issued a Preliminary Determination proposing to deny Transfer Application T-13546 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on June 27, 2023, and in the Hillsboro Tribune newspaper on July 6 and 13,

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 29155 in the name of FRED C/MYRTLE I JESSE (perfected under Permit S-25507)  
**Use:** IRRIGATION of 0.46 ACRE  
**Priority Date:** MAY 15, 1958  
**Rate:** 0.00575 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:** UNNAMED STREAM, tributary of TUALATIN RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	4	SW SW	AS PROJECTED WITHIN EMERICK DLC 46

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
1 S	3 W	WM	4	SE SW	46	0.46

6. Transfer Application T-13546 proposes to move the authorized point of diversion to a groundwater point of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approx. distance from authorized point of diversion (feet)
1 S	3 W	WM	4	SW SW	743 FEET NORTH AND 1046 FEET EAST OF THE SW CORNER OF SECTION 4	620 FEET

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

7. Water has been used within the five-year period prior to submittal of the transfer application according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, manifold, and dripper sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13546.
9. The proposed well does not meet the requirements of ORS 540.531(3a.-c.).
10. The proposed change would not result in enlargement of the right.

11. The proposed change would not result in injury to other water right.
12. All other application requirements are met.

**Conclusion of Law**

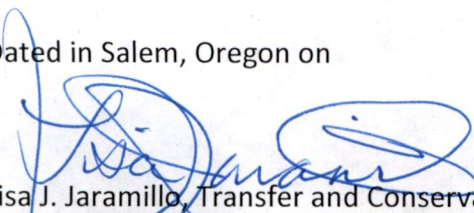
The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13546 is not consistent with the requirements of ORS 540.531(3a.-c.).

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

1. The change from surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13546 is denied.

Dated in Salem, Oregon on

**AUG 23 2023**

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date:                      **AUG 24 2023**