



Oregon

Tina Kotek, Governor

Water Resources Department

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www.oregon.gov/owrd

February²², 2023

VIA CERTIFIED MAIL AND E-MAIL

Applicant

TWIGG FARMS LLC
31721 SW FIRDALE RD
CORNELIUS, OR 97113

SUBJECT: Water Right Transfer Application T-14085

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14085. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at corey.a.courchane@water.oregon.gov or (503) 979-3917, if I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Courchane". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Courchane".

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: Transfer Application file T-14085
Jacob W. Constans, District 18 Watermaster (*via e-mail*)
William E. McGill, Agent for the applicant (*via e-mail*)

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

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14085, Washington County)	PROPOSING APPROVAL OF A CHANGE IN
)	PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

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Findings of Fact

1. On September 9, 2022, TWIGG FARMS LLC filed an application to change the place of use under Certificates 76061, 86736, and 87026. The Department assigned the application number T-14085.
2. Notice of the application for transfer was published on September 20, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 8, 2022, the Department contacted the applicant's agent regarding Certificate 76061. Certificate 76061 is for supplemental irrigation and the proposed "TO" lands have no underlying primary water right in place.
4. On November 23, 2022, the Department received revisions that removed Certificate 76061 from the application leaving the proposed change in place of use under Certificates 86736 and 87026.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
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5. On December 21, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14085 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 23, 2023, 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.
6. The portion of the first right to be transferred is as follows:

Certificate: 86736 in the name of RICHARD L. AND SANDRA M. TWIGG, dba TWIGG FARM (perfected under Permit S-33622)

Use: IRRIGATION of 7.7 ACRES

Priority Date: MAY 24, 1968

Rate: 0.10 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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 to TUALATIN RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	36	SE SW	1140 FEET NORTH AND 275 FEET WEST FROM THE S1/4 CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SE NW	7.7

7. Transfer Application T-14085 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SW NW	0.1
1 S	3 W	WM	36	SE NW	7.6
Total					7.7

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

Certificate: 87026 in the name of RICHARD L. AND SANDRA M. TWIGG, DBA TWIGG FARM (perfected under Permit G-10621)

Use: SUPPLEMENTAL IRRIGATION of 11.7 ACRES

Priority Date: MAY 12, 1986

Rate: 10.6 GALLONS PER MINUTE

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 a diversion of ONE-EIGHTIETH of one cubic foot per second, 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: A WELL in the TUALATIN BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	36	SE SW	1100 FEET NORTH AND 190 FEET WEST FROM THE S1/4 CORNER OF SECTION 36

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SE SW	11.7

9. Transfer Application T-14085 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	3 W	WM	36	SW NW	0.1
1 S	3 W	WM	36	SE NW	11.6
Total					11.7

Transfer Review Criteria (OAR 690-380-4010)

10. 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.
11. 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-14085.
12. The proposed change would not result in enlargement of the rights.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

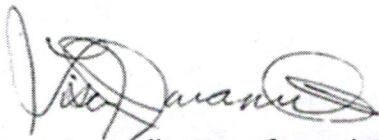
Determination and Proposed Action

The change in places of use proposed in Transfer Application T-14085 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14085 is approved, the final order will include the following:

- 1. The change in places of use proposed in Transfer Application T-14085 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 86736 and 87026, and any related decree.*
- 3. Water right Certificates 86736 and 87026 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. 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 each point of diversion/appropriation (new and existing).*
 - 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.*
- 5. The former places of use of the transferred rights shall no longer receive water under the rights.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2024**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
- 7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated in Salem, Oregon on **FEB 22 2023**



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-979-3917 or corey.a.courchane@water.oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice Regarding Service Members: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.