

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

In the Matter of Transfer Application                    )  
T-13546, Washington County                            )  
  )  
  )  
  )  
  )

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF 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-1354613546 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. 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

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.

**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

5. 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)]**

6. 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.
7. 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.
8. The proposed well does not meet the requirements of ORS 540.531(3a.-c.).
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water right.
11. All other application requirements are met.



## Determination and Proposed Action

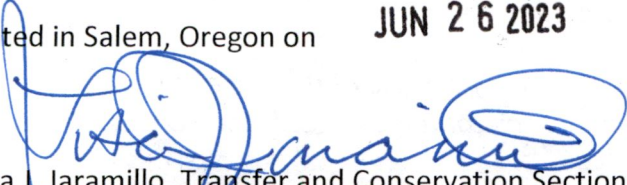
The change from a surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13546 appears to not be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-2130 and 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

*If the denial is overcome, and Transfer Application T-13546 is approved, the final order will include the following:*

1. *The change from surface water point of diversion to a groundwater point of appropriation proposed in Transfer Application T-13546 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 Certificate 29155 and any related decree.*
3. *Water right Certificate 29155 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.*
4. *The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of diversion.*
5. *The use of water under this right shall be subject to regulation consistent with other water rights from the surface water source and to all other applicable conditions and restrictions that existed at the original point of diversion.*
6. *If, within five years after approval of the transfer, the Department finds that the transfer results in substantial or undue interference with an existing ground water right due to use of the wells, that would not have occurred in the absence of the transfer, the new point of appropriation shall be subordinate to the existing right injured by the transfer.*
7. *The original point of diversion of surface water shall not be retained as an additional or supplemental point of diversion under the transferred portion of the right. However, if within five years after approval of the transfer, the Department receives a transfer application to return to the last authorized surface water point of diversion, the application shall be approved.*
8. *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 proposed well.*
  - 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.*
9. *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 change and full beneficial use of the water.*
10. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated in Salem, Oregon on **JUN 26 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 Arla L Davis. If you have questions about the information in this document, you may reach me at 503-979-3129 or [arla.l.davis@water.oregon.gov](mailto:arla.l.davis@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.





# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

June 26, 2022

VIA CERTIFIED MAIL AND E-MAIL

### Applicant

DC SUPPORT GROUP INC.

2275 SW LAFOLLETT RD

CORNELIUS, OR 97113

SUBJECT: Water Right Transfer Application T-13546

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to deny application T-13546. 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 and in the Hillsboro Tribune newspaper, 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 last date of newspaper publication.

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 503-986-0886 or [Patrick.K.Starnes@ wrd.state.or.us](mailto:Patrick.K.Starnes@ wrd.state.or.us) if I may be of assistance.

Sincerely,

*Arla L Davis*

Arla L Davis

Transfer Specialist

Transfer and Conservation Section

cc: T-13546  
Jacob W. Constans, District 18 Watermaster *(via e-mail)*  
Russ Lawrence, Agent for the applicant *(via e-mail)*

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