

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

In the Matter of Permit Amendment	)	SUPERSEDING PROPOSED FINAL
T-14433, Clackamas County	)	ORDER ON RECONSIDERATION
	)	

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

TWIN SPRINGS LLC.,
c/o LILI TOVA
19779 SE LANGENSAND RD
SANDY, OR 97055

Findings of Fact

1. On April 4, 2024, Twin Springs LLC, c/o Lili Tova, filed an application for additional points of appropriation under Permit G-18341. The Department assigned the application number T-14433.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on April 16, 2024, pursuant to ORS 540.520(5).
3. On July 24, 2024, the Department approved an assignment of the permit from Twin Springs, LLC and Lili Tova to Twin Springs, LLC, Lili Tova LLC, and AgWest Farm Credit, FLCA.
4. On April 25, 2025, the Department approved an extension of time for complete application of water to October 1, 2029.
5. On June 10, 2025, the Department issued a final order denying permit amendment application T-14433, recorded in Special Order Volume 134 pages 911-914.
6. On July 4, 2025, the applicant's agent, on behalf of the applicant requested that the Department reconsider its final order to deny permit amendment application T-14433.

Under ORS 183.310(2)(a)(D), by this order, the Department provides the opportunity for the applicant to request a hearing substantially of the character required by ORS 183.415, 183.417, 183.425, 183.450, 183.460, and 183.470 on the matters asserted in this Proposed Final Order. Please refer to the end of this document for further information about how to request a hearing.

7. On August 5, 2025, the Department issued a notice of reconsideration for permit amendment application T-14433.
8. The decline condition described in Permit G-18341 is as follows:
 1. The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:
 - a. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
 - b. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
 - c. Annual water level measurements reveal a water level decline of 25 or more feet; or
 - d. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.
9. Well 1 of Permit G-18341, at the time of the reconsideration letter and permit amendment application had not been built.
10. Well 2 (CLAC 75517) of Permit G-18341 has triggered water level decline conditions 1(b) and 1(c) of Permit G-18341.
 - a) The initial reference level for CLAC 75517 according to the required water use reporting from March 15, 2021 was 484.1 feet bls.
 - b) As of March 25, 2026, the most recent water level measurement was reported to be 524.19 ft bls, totaling a decline from the reference level of 33.02 feet in 5 years, triggering decline conditions 1(a), 1(b) and 1(c) above.
11. The Department completed a groundwater review of the proposed permit amendment. The groundwater review included an analysis of groundwater trends of the permitted well(s) and other wells in the vicinity. Based on this analysis, the Department concludes that overall groundwater levels have rapidly declined in this area for at least the past 6 years. Thus, it is unlikely that static water levels in the permitted wells will recover to or above levels that would not trigger permit decline conditions.
12. When the evidence demonstrates that a permit holder will not be able to use water at the original points of appropriation due to the triggering of a permit decline condition, a change to new points of appropriation constitutes enlargement of the right and is not allowed. This represents a change to the Department's policy. Previously, the Department would approve permit amendments with static water level decline conditions specific to the new or additional points of appropriation that were based on the static water level decline conditions in the underlying permits or certificates. The Department has determined that its previous policy is inconsistent with the requirement that the applicant demonstrate that the amendment does not result in

enlargement. Under Oregon's prior appropriation system, permits are assigned a priority date and limited to specific terms and conditions on the use of water that can be made based on that priority date. Water users may not enlarge their use beyond these terms and conditions without applying for and receiving a new water use authorization with a new, junior priority date. Nor may the Department allow the enlargement of a water user's use beyond the terms and conditions of a permit through a permit amendment. Where the static water level decline conditions in a permit have been triggered and the evidence demonstrates that the static water levels will not recover sufficiently to allow future use of the permit, the approval of new points of appropriation under a permit amendment necessarily amounts to the enlargement of the original permit.

13. The permit to be amended is as follows:

Permit: G-18341 in the name of TWIN SPRINGS LLC, LILA TOVA and AGWEST FARM CREDIT, FLCA

Use: IRRIGATION (INCLUDING NURSERY USE) on 18.5 ACRES

Priority Date: SEPTEMBER 27, 2017

Quantity: 0.46 CUBIC FOOT PER SECOND

Rate/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to 0.15 cubic foot per second per acre and 5.0 acre feet per acre per year. For irrigation of containerized nursery plants, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted under this right, 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 and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted under this right, 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 and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: JANUARY 1 THROUGH DECEMBER 31

Source: WELL 1 AND WELL 2 in CEDAR CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	5 E	WM	7	SE SW	37	WELL 1 - 785 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 7

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	5 E	WM	7	SE SW	37	WELL 2 - 740 FEET NORTH AND 1630 FEET EAST FROM THE SW CORNER OF SECTION 7

Authorized Place of Use:

IRRIGATION (INCLUDING NURSERY USE)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	5 E	WM	7	NE SW	3.7
2 S	5 E	WM	7	NW SW	1.2
2 S	5 E	WM	7	SW SW	4.8
2 S	5 E	WM	7	SE SW	8.8
Total					18.5

14. Permit Amendment Application T-14433 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate Distance from Authorized Point of Appropriation
2 S	5 E	WM	7	SE SW	37	WELL 3- 1150 FEET NORTH AND 2070 FEET EAST FROM THE SW CORNER OF SECTION 7	Well 1- 950 FT NE
							Well 2- 720 FT NE
2 S	5 E	WM	7	SE SW	37	WELL 4- 1220 FEET NORTH AND 2030 FEET EAST FROM THE SW CORNER OF SECTION 7	Well 1- 960 FT NE
							Well 2- 740 FT NE
2 S	5 E	WM	7	SW SW	37	WELL 5- 1150 FEET NORTH AND 2070 FEET EAST FROM THE SW CORNER OF SECTION 7	Well 1- 550 FT NW
							Well 2- 700 FT NW

Permit Amendment Review Criteria

15. The proposed change would not result in injury to other water rights.
16. As outlined in Findings of Fact No. 8, 10, and 11 above, the proposed changes would enlarge the permit.
17. The proposed changes do not alter any other terms of the permit, including static water level measurement and decline conditions.

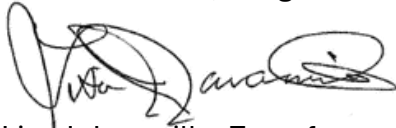
Conclusions of Law

The additional in points of appropriation proposed by Permit Amendment Application T-14433 is **NOT** consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional in points of appropriation proposed by Permit Amendment Application T-14433 are denied.

Dated in Salem, Oregon on 8/28/2026



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Notice of Opportunity to Receive a Contested Case Hearing and Description of Procedure and Time for Requesting Hearing

Under ORS 183.310(2)(a)(D), by this order, the Department provides the opportunity for the applicant to request a hearing substantially of the character required by ORS 183.415, 183.417, 183.425, 183.450, 183.460, and 183.470 on the matters asserted in this Proposed Final Order. If the applicant does not agree with the matters asserted in this Proposed Final Order, the applicant may file a request for hearing with the Department setting forth the reasons why Transfer Application T-14433 should not be denied as proposed herein. The provisions of ORS 536.076 and 536.077, and rules adopted thereunder, apply to any contested case proceeding on this Proposed Final Order. **Pursuant to ORS 536.077(4) and (5), if no hearing request is received by October 16, 2026 and the Department does not withdraw this Proposed Final Order on or before November 18, 2026 this Proposed Final Order is a final order without any further action by the Department on November 18, 2026**

To request a hearing, the applicant must file a written request for hearing with Department within 60 days from the date of mailing of this Proposed Final Order. Hearing requests may be mailed or hand delivered to the Oregon Water Resources Department, Attention: Will Davidson, at 725 Summer Street NE, Suite A, Salem, OR 97301. Hearing requests may be emailed to will.d.davidson@water.oregon.gov, but payment of protest fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Hearing requests and protest fees must be received on or before

October 16, 2026. If the Department does not receive a hearing request and protest fee by the specified deadline, the applicant will have waived the opportunity for a contested case hearing, and this Proposed Final Order will become a final order 33 days after the deadline for filing a hearing request, unless the Department withdraws this Proposed Final Order.

Hearing requests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, telephone number, and email address, if the protestant has an email address;
- Include the name, address, telephone number, and email address of the protestant's attorney, if the protestant is represented by an attorney;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonably available arguments that support the protestant's position;
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

Notice of the circumstances under which this Proposed Final Order will become a final order: If no request for hearing concerning this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a hearing

request, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a hearing request, with no further action required by the Department. If a hearing request is timely received, but later: (1) all hearing requests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all parties that requested a hearing fail to appear at a scheduled hearing; or (3) all parties that requested a hearing notify the Department or the administrative law judge that the parties will not appear at a scheduled hearing, the parties that requested a hearing will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the hearing requests and notifying the parties that this Proposed Final Order has become a final order. OAR 690-002-0235; OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

Notice of right to be represented by an attorney: You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice to active duty servicemembers: Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

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August 28, 2026

PROPOSED FINAL ORDER ON RECONSIDERATION

Reference: T-14433

Enclosed is a Proposed Final Order on Reconsideration indicating that, based on the information available, the Department intends to deny Permit Amendment Application T-14433. This document is an intermediate step in the denial process; water may not be used legally as proposed in the Permit Amendment Application until a Final Order approving the Permit Amendment has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

This document provides the opportunity for the applicant to request a hearing if the applicant does not agree with the matters asserted in this Proposed Final Order.

If the Department does not receive a hearing request and protest fee by the specified deadline, the applicant will have waived the opportunity for a contested case hearing, and this Proposed Final Order will become a final order 33 days after the deadline for filing a hearing request, without any further action by the Department.

If you have any questions related to this Order on Reconsideration, you may contact your caseworker, Dante Luongo, by telephone at (971) 304-5006 or by e-mail at dante.j.luongo@water.oregon.gov.

Sincerely,

David V. Jones Jr

Water Right Support

Transfers and Conservation Section

cc: Watermaster Dist. #20 (via email)
Agent: Doann Hamilton