

# TUMALO IRRIGATION DISTRICT

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## **STEPS TO COMPLETE 540.580 WATER TRANSFER**

District checks recipient's land to assure that the proposed site is irrigable, that the District can deliver the new water, and that the recipient is prepared to prove up (beneficially use) the water in the new location this irrigation season (see Item #9 below).

District requests a title search from title company on applicant's property, and formal notification by Certified Mail to lien holders, if applicable. Title search is not necessary for self-to-self transfer.

Most maps can be completed in-house by District staff. However, applicant and recipient also have the option to hire a Certified Water Rights Examiner to map the water off the old land and onto the new land. (CWRE should contact the District for a base map and submit completed maps directly to the District).

District prepares paperwork for signatures which includes: Notice of District Permanent Transfer (540.580), Agreement for Purchase of Water, Consent by Seller to Transfer Water, Affidavit of Non-Abandonment by Seller, Beneficial Use Statement, Prove-up Statement.

Applicant and recipient sign paperwork and pay fees, \$1,200.00 per transfer notice, plus \$200.00 if title search is required, plus \$200.00 per map to create and update maps online. (Assessments must also be paid in full at this time. Because the water will not be officially transferred until we submit the petition at the end of the year, the seller is still responsible for their full assessment. Once billed in January, the District cannot adjust the assessments.)

Transfer goes to the Board for approval (second Tuesday of the month). The August Board Meeting is the last Board Meeting to which transfers will be submitted for approval for that year.

Immediately following the Board Meeting, a copy of the Notice of District Permanent Transfer and a copy of the transfer maps are submitted to the local Oregon Water Resources Department (OWRD) for approval. If the Notice of District Permanent Transfer is not denied within two weeks after submittal, only then can the water be used in the new location.

Transferred water will not be delivered until recipient is prepared to beneficially apply the water.

New District policy, effective January 1, 2001, requires that when water is transferred to a new location, that new location must be proved up (beneficially used) by the end of the current irrigation season. If the recipient fails to prove up the water, the transfer will not be included in the District's petition in December, the transfer fees will not be refunded, and the transfer will be withdrawn. If the recipient wants the transfer resubmitted the following year, another fee will be required. In the meantime, the water will remain on the applicant's property.

District surveys property by the end of the irrigation season in which the transfer occurs to determine if beneficial use has been accomplished and if original map is an accurate representation of new place of use. If the District's survey reveals a different location from the original, a new map must be prepared at the recipient's expense to submit with the final proof. However, the total acreage transferred must remain the same, and within the same QQ.

By December 31 of each year the Notice of District Permanent Transfer and maps are included in the 540.580 District Petition and submitted to the Salem office of the OWRD for approval. OWRD will issue an Order approving the Petition. Applicant and recipient will be notified by the District that the Order has been issued.

District submits Claim of Beneficial Use and final maps to Salem office of OWRD. Upon OWRD's approval of final proof, applicant and recipient will be notified that the transfer is complete.