

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-13105, Yamhill County) CHANGE IN PLACE OF USE

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

STEVEN A. DUMDI
PO BOX 458
YAMHILL, OR 97148

Agent

LELAND MACDONALD & ASSOCIATES
3765 NE RIVERSIDE DR.
McMINNVILLE, OR 97128

Findings of Fact

1. On January 15, 2019, Steven A. Dumdi filed an application to change the place of use under Certificate 74105. The Department assigned the application number T-13105.
2. Notice of the application for transfer was published on January 22, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 2, 2019, the Department received an amended application and map to clarify the location of the authorized point of diversion.
4. On December 5, 2019, the Department issued a draft Preliminary Determination proposing to approve Transfer Application T-13105. The draft Preliminary Determination cover letter set forth a deadline of January 4, 2020, for the applicant to respond. On December 23, 2019, the applicant agreed to the terms and conditions of the draft Preliminary Determination, requested the Department proceed with issuance of the Preliminary Determination and provided the necessary information to demonstrate they were authorized to pursue the transfer.

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.

5. On January 8, 2020, the applicant requested additional time for completion of the transfer to be extended to October 1, 2022, to guarantee adequate time to complete the project. The Department approved the additional time for completion of the transfer to be extended to October 1, 2022, to make full beneficial use of water under the terms and conditions of this transfer.
6. On June 9, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13105 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 16, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 74105 in the name of STEVEN A. AND THERESA A. DUMDI
(perfected under Permit S-20096)

Use: IRRIGATION of 32.3 ACRES

Priority Date: February 2, 1951

Rate: 0.43 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 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 for each acre irrigated during the irrigation season of each year.

Source: NORTH YAMHILL RIVER, a tributary of the WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q - Q	Gov't Lot
3 S	4 W	WM	9	NW NW	1

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q - Q	GLot	DLC	Acres
3 S	4 W	WM	4	SW SW		44	17.8
3 S	4 W	WM	4	SE SW		44	2.0
3 S	4 W	WM	9	NW NW		44	11.8
3 S	4 W	WM	9	NW NW	1		0.7
Total							32.3

8. Certificate 74105 states North Yamhill River is a tributary to the Willamette River. However, North Yamhill River actually flows into Yamhill River, which in turn contributes to the Willamette River.

9. Transfer Application T-13105 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q - Q	DLC	Acres
3 S	4 W	WM	4	SW NW	42	4.8
3 S	4 W	WM	4	SW NW	44	1.9
3 S	4 W	WM	4	NW SW	42	8.2
3 S	4 W	WM	4	NW SW	44	14.8
3 S	4 W	WM	4	SW SW	44	2.6
Total						32.3

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

10. Water has been used within the last five years 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.
11. A diversion structure, pump, pipeline, and 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-13105.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

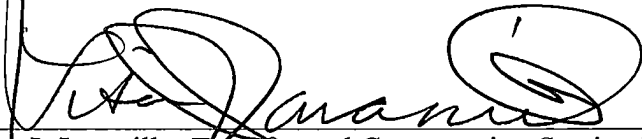
The change in place of use proposed in Transfer Application T-13105 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13105 is 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 74105 and any related decree.
3. Water right Certificate 74105 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.

6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this AUG 10 2020.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: AUG 11 2020