# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A CHANGE IN		
T-13487, Marion County	)	POINT OF APPROPRIATION		

## 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.

#### Applicant

BLUE LINE FARMS INC. C/O ROBERT DETTWYLER AND KARL H. DETTWYLER 4741 BRUSH CREEK DR NE SILVERTON, OR 97381

## **Findings of Fact**

- 1. On July 10, 2020, BLUE LINE FARMS INC., C/O ROBERT DETTWYLER AND KARL H. DETTWYLER filed an application to change the point of appropriation under Certificate 87452. The Department assigned the application number T-13487.
- 2. Notice of the application for transfer was published on July 21, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- On November 23, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13487 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 24, 2020, 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.

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.

- 4. On December 10, 2020, the applicant requested to extend the time for completion of the water to a beneficial use to October 1, 2024, in order to irrigate the full acres through crop rotation.
- 5. On March 3, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13487 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 March 9, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 6. The right to be transferred is as follows:

Certificate:

87452 in the name of PEMBROKE FARMS (perfected under Permit

G-9522)

Use:

SUPPLEMENTAL IRRIGATION of 73.3 ACRES

Priority Date: MARCH 23, 1981

Rate:

0.74 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:

A SUMP, tributary to ABIQUA CREEK

# Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 W	WM	23	NW SW	SUMP - 2000 FEET NORTH AND 1000 FEET EAST FROM THE SW CORNER OF SECTION 23

#### Authorized Place of Use:

	SUPPLE	MENTAL	. IRRIGA	NOITA	
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 W	WM	22	NE SE	8.3
6 S	1 W	WM	22	SE SE	7.6
6 S	1 W	WM	23	NE SW	8.0
6 S	1 W	WM	23	NW SW	17.4
6 S	1 W	WM	23	SW SW	26.9
6 S	1 W	WM	23	SE SW	5.1
				Total	73.3

7. Transfer Application T-13487 proposes to move the authorized point of appropriation approximately 104 feet from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 W	WM	23	NW SW	POA POND SUMP - 2035 FEET NORTH AND 900 FEET EAST FROM THE SW CORNER OF SECTION 23

# Transfer Review Criteria (OAR 690-380-4010)

- 8. 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.
- 9. A 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-13487.
- 10. The proposed change would not result in enlargement of the right.
- 11. The proposed change would not result in injury to other water rights.
- 12. All other application requirements are met.

# Conclusions of Law

The change in point of appropriation proposed in Transfer Application T-13487 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

OCT 2 5 2023

#### Now, therefore, it is ORDERED:

- 1. The change in point of appropriation proposed in Transfer Application T-13487 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 87452 and any related decree.
- 3. Water right Certificate 87452 is cancelled.
- The quantity of water diverted at the new point of appropriation (POA Pond Sump), shall not exceed the quantity of water lawfully available at the original point of appropriation (Sump).
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2025. 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.

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

Dated in Salem, Oregon on

OCT 2 4 2023

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

OCT 2 5 2023 Mailing date: \_\_