

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A CHANGE IN  
T-13711, Polk County                             )     PLACE OF USE, CANCELLATION AND  
   )     PARTIAL CANCELLATION OF WATER  
   )     RIGHTS

**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.

ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and request voluntary cancellation.

**Applicant**

CROWE FARMS, LLC  
ATTN: STEVE CROWE  
17200 PLEASANT HILL RD  
SHERIDAN, OR 97378

**Findings of Fact**

1. On May 11, 2021, CROWE FARMS, LLC, ATTN: STEVE CROWE filed an application for a change in place of use under Certificate 36432. The Department assigned the application number T-13711.
2. Notice of the application for transfer was published on June 1, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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.

3. On February 23, 2022, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13711 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 25, 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. On March 17, 2022, the agent for the applicant requested the completion date of October 1, 2025, to allow extra time needed to construct the irrigation system. The Department granted the longer time for completion per OAR 690-380-5140 (3).
5. On May 4, 2022, the Department issued a Preliminary Determination proposing to approve Transfer Application T-13711 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on May 10, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. On June 20, 2023, the agent for the applicant submitted affidavits for the voluntary cancellation of Certificate 36430 and portions of Certificate 36432.
7. On August 24, 2023, the Department sent a copy of the revised draft Preliminary Determination incorporating the voluntary cancellations of Certificate 36430 and portions of Certificate 36432, proposing to approve Transfer Application T-13711 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of September 23, 2023, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.
8. On December 18, 2023, the Department issued a Revised Preliminary Determination proposing to approve Transfer Application T-13711 and sent a copy to the applicant. Additionally, notice of the Revised Preliminary Determination for the transfer application was published in the Department's weekly notice on December 19, 2023, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
9. The portion of the right to be transferred is as follows:
 

<b>Certificate:</b>	36432 in the name of JOE W. CROWE AND MARY ALICE CROWE (perfected under Permit S-30185)
<b>Use:</b>	IRRIGATION of 13.7 ACRES
<b>Priority Date:</b>	JANUARY 15, 1965
<b>Rate:</b>	0.119 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, 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 from direct flow and storage from reservoir constructed under permit number R-4528.

**Source:** UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER APPL. NO. R-40526, PERMIT NO. R-4528, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	6 W	WM	14	NW NW	58	980 FEET SOUTH AND 2840 FEET WEST FROM THE NE CORNER OF DLC 58

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	11	SW SE	58	2.5
6 S	6 W	WM	14	NW NE	58	10.7
6 S	6 W	WM	14	NE NW	58	0.5
Total						13.7

10. The Department received information from the applicant that describes the location of the authorized point of diversion for Certificate 36432 as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	6 W	WM	14	NW NW	58	1050 FEET SOUTH AND 3000 FEET WEST FROM THE NE CORNER OF DLC 58

11. Transfer Application T-13711 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	6 W	WM	11	SE SW	3.9
6 S	6 W	WM	11	SW SE	9.8
Total					13.7

12. There is an existing water right on the proposed place of use which will become layered as a result of this transfer. The corresponding acreage of Certificate 36430 is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	6 W	WM	11	SW SE	5.0

13. The application included a note indicating that the applicant intended to cancel a 6.4-acre portion of Certificate 36432 but not canceling the corresponding rate because the water right was certificated with a deficient rate. This action would result in enlargement of the certificated right and is not consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

***Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and 690-380-2110(2)]***

14. 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.
15. A water delivery 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-13711.
16. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
17. The proposed change would not result in enlargement of the right.
18. The proposed change would not result in injury to other water rights.
19. All other application requirements are met.

***Cancellation of a Water Right***

20. On June 20, 2023, the Department received an affidavit for voluntary cancellation of the entirety of Certificate 36430 from Crowe Farms LLC.

The right to be cancelled is as follows:

**Certificate:** 36430 in the name of JOE W. CROWE (perfected under Permit S-29445)  
**Use:** IRRIGATION of 5.0 ACRES  
**Priority Date:** MARCH 11, 1964  
**Rate:** 5.0 ACRE-FEET  
**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 a diversion of 2.5 acre feet for each acre irrigated during the irrigation season of each year and shall be further limited to a total diversion of not to exceed 5.0 acre feet per year.  
**Source:** CROWE RESERVOIR NO. 1 constructed under Appl. No. R-39626, Permit No. R-3954, a tributary of UNNAMED STREAM (SOUTH YAMHILL RIVER)



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	6 W	WM	11	SE SW	120 FEET SOUTH AND 1510 FEET WEST FROM THE NE CORNER OF DLC 58

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	11	SW SE	58	5.0

**Partial Cancellation of a Water Right**

21. On June 20, 2023, the Department received an affidavit for the voluntary cancellation of a portion of Certificate 36432 from Crowe Farms LLC.

The portion of the right to be partially cancelled is as follows:

**Certificate:** 36432 in the name of JOE W. CROWE and MARY ALICE CROWE (perfected under Permit S-30185)

**Use:** IRRIGATION of 6.0 ACRES

**Priority Date:** JANUARY 15, 1965

**Rate:** 0.052 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, 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 from direct flow and storage from reservoir constructed under permit number R-4528.

**Source:** UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER APPL. NO. R-40526, PERMIT NO. R-4528, a tributary of YAMHILL RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	6 W	WM	14	NW NW	58	1050 FEET SOUTH AND 3000 FEET WEST FROM THE NE CORNER OF DLC 58

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	11	SE SW	58	0.5
6 S	6 W	WM	11	SW SE	58	1.2
6 S	6 W	WM	14	NW NE	58	1.3
6 S	6 W	WM	14	NE NW	58	3.0
					Total	6.0



22. On June 20, 2023, the Department received an affidavit for the voluntary cancellation of a portion of Certificate 36432 from Union Wine Investments, LLC.

The portion of the right to be partially cancelled is as follows:

**Certificate:** 36432 in the name of JOE W. CROWE and MARY ALICE CROWE (perfected under Permit S-30185)  
**Use:** IRRIGATION of 0.4 ACRES  
**Priority Date:** JANUARY 15, 1965  
**Rate:** 0.003 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, 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 from direct flow and storage from reservoir constructed under permit number R-4528.  
**Source:** UNNAMED STREAM AND RESERVOIR CONSTRUCTED UNDER APPL. NO. R-40526, PERMIT NO. R-4528, a tributary of YAMHILL RIVER

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	6 W	WM	14	NW NW	58	1050 FEET SOUTH AND 3000 FEET WEST FROM THE NE CORNER OF DLC 58

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	6 W	WM	14	NW NE	58	0.4

**Conclusions of Law**

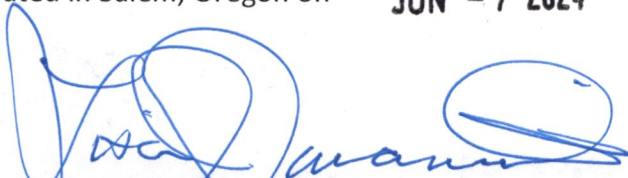
The change in place of use proposed in Transfer Application T-13711 appears to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000 and the abandoned rights will be cancelled. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved and the abandoned rights will be cancelled.

**Now, therefore, it is ORDERED:**

1. The change in place of use proposed in Transfer Application T-13711 is approved. The rights and portions thereof that have been abandoned are cancelled.
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 36432 and any related decree.

3. Water right Certificate 36432 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer and partial cancellations.
4. Water right Certificate 36430 is cancelled.
5. The former place of use of the transferred right shall no longer receive water under the right.
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 **JUN - 7 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing date: **JUN 10 2024**