

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-14042, Yamhill County)	CHANGES IN PLACE OF USE AND POINTS
)	OF DIVERSION

Authority

Oregon Revised Statute (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion authorized under an existing water right.

Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

MEADOW RIDGE FARMS, INC.
PO BOX 808
CARLTON, OR 97111

Findings of Fact

1. On July 1, 2022, MEADOW RIDGE FARMS, INC. filed an application to temporarily change the places of use and to change the points of diversion to serve the proposed places of use under Certificates 13450, 13451, 20112, 20573, 22557, and 39209 for a period of 5 years. The Department assigned the application number T-14042.
2. Notice of the application for transfer was published on July 12, 2022, pursuant to OAR 690-380-4000.
3. The first right to be temporarily transferred is as follows:
Certificate: 13450 in the name of J.L. JENNINGS (perfected under Permit S-10816)
Use: IRRIGATION of 57.0 ACRES
Priority Date: JANUARY 31, 1933
Rate: 0.72 CUBIC FOOT PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

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 conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: HASKINS CREEK, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Description
3 S	5 W	WM	8	SW NE	47	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	5 W	WM	4	SW SW	47	0.2
3 S	5 W	WM	4	SE SW	47	19.7
3 S	5 W	WM	4	SW SE	47	8.0
3 S	5 W	WM	9	NW NE	47	0.8
3 S	5 W	WM	9	NE NW	47	13.2
3 S	5 W	WM	9	NW NW	47	15.1
					Total	57.0

4. Temporary Transfer Application T-14042 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	32	NE NE	52	2.5
2 S	4 W	WM	33	NW NW	52	4.6
2 S	4 W	WM	33	SW NW	52	36.9
2 S	4 W	WM	33	NW SW	52	13.0
					Total	57.0

5. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14042 proposes to move the authorized point of diversion approximately 13.3 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	5	SE SE	41	POD A - 235 FEET NORTH AND 670 FEET WEST FROM THE SE CORNER OF SECTION 5

6. The portion of the second right to be temporarily transferred is as follows:

Certificate: 13451 in the name of J.L. JENNINGS (perfected under Permit S-11065)
Use: IRRIGATION of 22.2 ACRES
Priority Date: SEPTEMBER 16, 1933
Rate: 0.29 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 conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: HASKINS CREEK, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Description
3 S	5 W	WM	8	SW NE	47	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	5 W	WM	9	NW NE	47	3.6
3 S	5 W	WM	9	NE NW	47	12.3
3 S	5 W	WM	9	NW NW	47	2.0
3 S	5 W	WM	9	SW NW	47	3.3
3 S	5 W	WM	9	SE NW	47	1.0
					Total	22.2

7. Temporary Transfer Application T-14042 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	32	SE NE	52	15.4
2 S	4 W	WM	32	NE SE	52	1.8
2 S	4 W	WM	33	NW SW	52	5.0
					Total	22.2

8. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14042 proposes to move the authorized point of diversion approximately 13.3 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	5	SE SE	41	POD A - 235 FEET NORTH AND 670 FEET WEST FROM THE SE CORNER OF SECTION 5

9. The third right to be temporarily transferred is as follows:

Certificate: 20112 in the name of FRANK GEISLER (perfected under Permit S-19047)

Use: IRRIGATION of 13.6 ACRES

Priority Date: NOVEMBER 10, 1949

Rate: 0.17 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: NORTH YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	5 W	WM	25	SW NE	38	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	5 W	WM	25	SW NE	38	13.4
2 S	5 W	WM	25	SE NW	38	0.2
					Total	13.6

10. Temporary Transfer Application T-14042 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	33	NW NW	52	11.0
3 S	4 W	WM	9	SE NE	44	1.6
3 S	4 W	WM	9	SE NE	84	1.0
					Total	13.6

11. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14042 proposes to move the authorized point of diversion approximately 5.0 miles downstream to POD A and 6.0 miles downstream to POD B:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	5	SE SE	41	POD A - 235 FEET NORTH AND 670 FEET WEST FROM THE SE CORNER OF SECTION 5
3 S	4 W	WM	9	NE SW	44	POD B - 2255 FEET NORTH AND 1705 FEET EAST FROM THE SW CORNER OF SECTION 9

12. The fourth right to be temporarily transferred is as follows:

Certificate: 20573 in the name of FRED W. JUENEMANN (perfected under Permit S-13434)

Use: IRRIGATION of 17.2 ACRES

Priority Date: JANUARY 5, 1939

Rate: 0.22 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, 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: AN UNNAMED CREEK and NORTH FORK YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	9	SW NE	44	NOT DESCRIBED IN CERTIFICATE
3 S	4 W	WM	9	SE NW	44	NOT DESCRIBED IN CERTIFICATE
3 S	4 W	WM	9	NE SW	44	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	9	SW NE	44	2.8
3 S	4 W	WM	9	SE NW	44	7.6
3 S	4 W	WM	9	NE SW	44	6.7
3 S	4 W	WM	9	NW SE	44	0.1
					Total	17.2

13. Temporary Transfer Application T-14042 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	10	SW NW	84	12.0
3 S	4 W	WM	10	NW SW	84	5.2
					Total	17.2

14. The portion of the fifth right to be temporarily transferred is as follows:

Certificate: 22557 in the name of FRANK GEISLER (perfected under Permit S-23595)
Use: IRRIGATION of 13.3 ACRES
Priority Date: APRIL 27, 1955
Rate: 0.17 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
2 S	5 W	WM	25	SW NE	39	NOT DESCRIBED IN CERTIFICATE

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	5 W	WM	25	NE NE	38	7.1
2 S	5 W	WM	25	NW NE	38	4.7
2 S	5 W	WM	25	SW NE	38	0.2
2 S	5 W	WM	25	SE NE	38	1.3
					Total	13.3

15. Temporary Transfer Application T-14042 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	4 W	WM	32	NE NE	52	5.7
2 S	4 W	WM	32	SE NE	53	7.6
					Total	13.3

16. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14042 proposes to move the authorized point of diversion approximately 7.0 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	5	SE SE	41	POD A - 235 FEET NORTH AND 670 FEET WEST FROM THE SE CORNER OF SECTION 5

17. The portion of the sixth right to be temporarily transferred is as follows:

Certificate: 39209 in the name of DEL AND DIXIE COURSEY (perfected under Permit S-29929)

Use: IRRIGATION of 26.7 ACRES

Priority Date: AUGUST 6, 1964

Rate: 0.33 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: NORTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	5 W	WM	25	SW NE	140 FEET SOUTH AND 2550 FEET WEST FROM THE NE CORNER OF HARRIS DLC 39 AND 54

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
2 S	5 W	WM	25	NW NE	38	15.5
2 S	5 W	WM	25	SW NE	38	3.6
2 S	5 W	WM	25	NE NW	38	7.6
					Total	26.7

18. Temporary Transfer Application T-14042 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	4 W	WM	9	SE NE	44	8.8
3 S	4 W	WM	9	SE NE	84	7.2
3 S	4 W	WM	9	NE SE	44	1.5
3 S	4 W	WM	9	NE SE	84	9.2
					Total	26.7

19. A change in point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14042 proposes to move the authorized point of diversion approximately 7.0 miles downstream:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
3 S	4 W	WM	9	NE SW	44	POD B – 2255 FEET NORTH AND 1705 FEET EAST FROM THE SW CORNER OF SECTION 9

Temporary Transfer Review Criteria

20. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
21. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
22. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
23. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS

540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary changes in place of use and points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14042 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

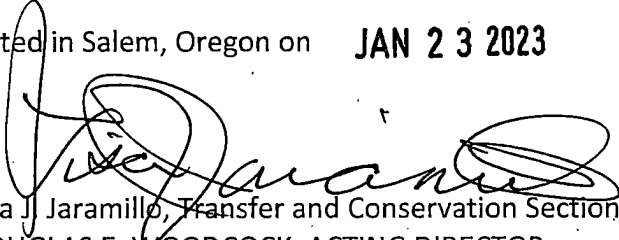
Now, therefore, it is ORDERED:

1. The temporary change in place of use and change in points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14042 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2022, 2023, 2024, 2025, and 2026 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2026 irrigation season. The authorization to use the additional point of diversion shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary points of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.
6. A subsequent application for permanent transfer of Certificates 13450, 13451, 20112, 20573, 22557, and 39209 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 13450, 13451, 20112, 20573, 22557, and 39209.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.
 - b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

10. The use of the remaining water rights described by Certificates 13451, 22557, and 39209 shall continue to be in accordance with the terms and conditions of Certificates 13451, 22557, and 39209.

Dated in Salem, Oregon on **JAN 23 2023**

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

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

Mailing Date: **JAN 24 2023**