# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER
T-13630, Yamhill County	)	APPROVING ADDITIONAL POINTS OF
	)	APPROPRIATION

## Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

## Applicant

RED HILLS FARM, LLC WILLIAM H. STOLLER 15505 NE STOLLER RD. DAYTON, OR 97114

## **Findings of Fact**

- 1. On February 24, 2021, RED HILLS FARM, LLC, WILLIAM H. STOLLER, filed an application for additional points of appropriation under Permit G-15661. The Department assigned the application number T-13630.
- 2. On September 15, 2011, the Department approved an extension of time for complete application of water to October 1, 2021.
- 3. Notice of the application for the permit amendment was published in the Department's weekly notice on March 9, 2021, and in the Newberg Graphic newspaper on June 23 and July 30, 2021, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
- 4. On April 16, 2021, the groundwater review identified multiple aquifers and the Department alerted the agent of the applicant that the permit amendment would be denied.
- 5. On April 21, 2021, the agent revised the application to access only one aquifer.

This is a final order in other than 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 and OAR 690-01-0005 you may either 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.

6. Permit Amendment Application T-13630 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S 3 W	2 W	WM	8	NW NE	WELL 2 – 150 FEET SOUTH AND 2010 FEET WEST
	2 44				FROM THE NE CORNER OF SECTION 8
4 S 3 W	2 14/	w <sub>M</sub>	8	NE NE	WELL 5 – 1075 FEET SOUTH AND 30 FEET WEST
	5 VV	44141			FROM THE NE CORNER OF SECTION 8
4 S 3 W	2 14/	WM	9	NW NW	WELL 6A – 1030 FEET SOUTH AND 497 FEET EAST
	3 VV				FROM THE NEW CORNER OF SECTION 9
4 S 3 W	2 W	WM	9	NW NW	WELL 6 – 1070 FEET SOUTH AND 500 FEET EAST
	5 44				FROM THE NW CORNER OF SECTION 9
4 S	3 W	WM	9	NW NW	WELL 7 - 415 FEET SOUTH AND 1140 FEET EAST
					FROM THE NW CORNER OF SECTION 9

#### **Permit Amendment Review Criteria**

- 7. The changes would not result in injury to other water rights.
- The proposed place of use is owned and/or controlled by the permit holder.
- 9. The changes do not enlarge the permit.
- 10. The changes do not alter any other terms of the permit.

## Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-13630 is consistent with the requirements of ORS 537.211.

## Now, therefore, it is ORDERED:

- 1. The additional points of appropriation proposed by Permit Amendment Application T-13630 are approved.
- 2. Permit G-18557, in the name of RED HILLS FARM, LLC, is issued to replace Permit G-15661, and incorporates the amendments approved by this order and the extensions of time. Permit G-15661, in the name of RED HILLS FARM LLC, is no longer of any force or effect.
- 3. The combined quantity of water diverted at the new points of appropriation (Wells 2, 5, 6A, 6 and 7), together with that diverted at the old points of appropriation (Well 8 and DT), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 8 and DT).
- 4. Water shall be acquired from the same aquifer as the original points of appropriation.

5. All other terms and conditions of Permit G-18557 remain the same.

Dated in Salem, Oregon on AUG 0 4 2021

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

THOMAS M BYLER, DIRECTOR

Oregon Water Resources Department

Mailing Date: AUG 0 6 2021