

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A TEMPORARY
T-14192, Yamhill County)	CHANGE IN PLACE OF USE AND
)	ADDITIONAL POINT 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

SARBANAND ENTERPRISES, LLC
ATTN: MATT HOEZEE
786 ROAD 188
DELANO, CA 93215

Findings of Fact

1. On March 20, 2023, SARBANAND ENTERPRISES, LLC, ATTN: MATT HOEZEE, filed an application to temporarily change the place of use and add a point of diversion to serve the proposed place of use under Certificate 66583 for a period of 5 years. The Department assigned the application number T-14192.
2. Notice of the application for transfer was published on March 28, 2023, pursuant to OAR 690-380-4000.
3. The right to be temporarily transferred is as follows:
Certificate: 66583 in the name of R. L. WALKER FARMS INC. (perfected under Permit S-46247)
Use: IRRIGATION of 173.1 ACRES

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.

Priority Date: JUNE 29, 1981

Rate: 2.16 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, 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) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: SOUTH YAMHILL RIVER, a tributary of YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	34	SE SE		SOUTH POD - 190 FEET NORTH AND 810 FEET WEST FROM THE SE CORNER OF SECTION 34
5 S	5 W	WM	35	SE NW	37	NORTH POD - 2360 FEET SOUTH AND 3000 FEET WEST FROM THE NE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	25	SW SW		70	0.7
5 S	5 W	WM	26	SE SE		70	2.8
5 S	5 W	WM	34	SW SE			0.2
5 S	5 W	WM	34	SE SE			0.2
5 S	5 W	WM	35	NE NE		70	3.4
5 S	5 W	WM	35	NE NE	6		5.0
5 S	5 W	WM	35	SW NE		37	11.6
5 S	5 W	WM	35	SE NE	7		8.5
5 S	5 W	WM	35	SE NE		37	11.4
5 S	5 W	WM	35	NE SE		37	0.4
5 S	5 W	WM	35	NW SE		37	6.5
6 S	5 W	WM	3	NE NE	1		0.3
6 S	5 W	WM	3	NW NE	2		38.0
6 S	5 W	WM	3	SW NE			20.9
6 S	5 W	WM	3	NE NW	3		25.4
6 S	5 W	WM	3	SE NW	4		25.9
6 S	5 W	WM	3	NE SW	5		11.2
6 S	5 W	WM	3	NW SE	7		0.7
						Total	173.1

4. Temporary Transfer Application T-14192 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	35	SE NE	71	0.8
5 S	5 W	WM	35	NW SW	37	2.9
5 S	5 W	WM	35	SW SW	37	12.9
5 S	5 W	WM	35	SE SW	37	10.6

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	5 W	WM	35	NE SE	37	0.3
5 S	5 W	WM	35	NE SE	37	2.3
5 S	5 W	WM	35	NE SE	37	4.3
5 S	5 W	WM	35	NE SE	38	0.3
5 S	5 W	WM	35	NE SE	71	0.6
5 S	5 W	WM	35	NE SE	71	6.1
5 S	5 W	WM	35	NW SE	37	1.2
5 S	5 W	WM	35	SW SE	37	0.3
5 S	5 W	WM	35	SW SE	37	3.1
5 S	5 W	WM	35	SW SE	37	6.4
5 S	5 W	WM	35	SW SE	37	0.1
5 S	5 W	WM	35	SE SE	37	19.3
5 S	5 W	WM	35	SE SE	37	20.9
5 S	5 W	WM	35	SE SE	38	0.5
5 S	5 W	WM	36	SW NW	71	2.5
5 S	5 W	WM	36	NW SW	38	0.3
5 S	5 W	WM	36	NW SW	38	2.0
5 S	5 W	WM	36	NW SW	71	0.5
5 S	5 W	WM	36	NW SW	71	8.4
5 S	5 W	WM	36	NW SW	71	15.0
5 S	5 W	WM	36	SW SW	38	1.4
5 S	5 W	WM	36	SW SW	38	15.6
5 S	5 W	WM	36	SW SW	42	2.1
5 S	5 W	WM	36	SW SW	42	1.0
6 S	5 W	WM	2	NE NE	42	1.5
6 S	5 W	WM	2	NE NE	42	0.8
6 S	5 W	WM	2	NW NE	42	4.0
6 S	5 W	WM	2	NW NE	42	9.7
6 S	5 W	WM	2	NW NE	42	0.6
6 S	5 W	WM	2	NE NW	42	1.7
6 S	5 W	WM	2	SE NW	67	11.0
6 S	5 W	WM	2	SE NW	42	2.1
					Total	173.1

5. An additional point of diversion is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14192 proposes the additional point of diversion with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Authorized POD in Miles (mi.)	
5 S	5 W	WM	35	SW SW	37	MIDDLE POD - 1050 FEET NORTH AND 300 FEET EAST FROM THE SW CORNER OF SECTION 35	North POD 0.7 mi.	South POD 0.4 mi.

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. 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 right, as required by ORS 540.523(7).
9. 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 change in place of use and additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14192 is 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 additional point of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-14192 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 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 additional point of diversion (Middle POD), together with that diverted at the original points of diversion (North and South POD), shall not exceed the quantity of water lawfully available at the original points of diversion (North and South POD).

6. A subsequent application for permanent transfer of Certificate 66583 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 Certificate 66583.
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.

Dated in Salem, Oregon on **MAY 25 2023**



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

Mailing Date: **MAY 26 2023**