

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF DIMINUTION OF A)
PERFECTED WATER RIGHT EVIDENCED) FINAL ORDER
BY CERTIFICATE 83487 IN THE NAME OF)
CARLTON PLANTS)

Authority

Oregon Administrative Rule 690-330-0040 (2) allows for a primary right, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right from a more dependable source of water. Pursuant to Oregon Revised Statute 540.650 a new water right as modified shall be reaffirmed by a new water right certificate.

Findings of Fact

1. On March 15, 2017, the Department received an affidavit from Carlton Nursery Co. LLC, signed by Jon Barch, member of Sweet Pea Farms LLC, 14301 SE Wallace Rd, Dayton, OR 97114, asserting Carlton Nursery Company, LLC is the owner of lands and the appurtenant water right as evidenced by water right Certificate 83487. On November 6, 2018, the Oregon state business entity name Carlton Nursery Company, LLC was changed to Sweet Pea Farms LLC. The registry number, 608891-86 did not change. The deed is in the name of Carlton Nursery Company, LLC.
2. The affiant asserts they are pursuing a different source of water for the primary irrigation of these lands and requests that the entire water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the lands.
3. Water Right Certificate 83487 allows the use of 0.46 cubic foot per second (cfs), from to the Willamette River, tributary of the Columbia River, for irrigation of 36.9 acres. The priority date is February 7, 1963.
4. The affiant requests the use of 0.46 cfs of water for the irrigation of the lands described below, as currently authorized under Certificate 83487, be diminished to supplemental irrigation:

Twp	Rng	Mer	Sec	DLC	Q-Q	Acres
5 S	3 W	WM	27	38	SW SW	3.6
5 S	3 W	WM	33	38	NE NE	18.8

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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.

Twp	Rng	Mer	Sec	DLC	Q-Q	Acres
5 S	3 W	WM	34	38	NW NW	14.5
Total:						36.9

Now, therefore, it is ORDERED:

1. Certificate 83487 is cancelled.
2. The water right for the use of 0.46 cfs for irrigation on 36.9 acres, as described by Certificate 83487 is diminished from a right for primary irrigation to a right for supplemental irrigation.
3. The Department shall issue water right Certificate 94956, a new and superseding certificate, to describe diminution of the right.

Dated in Salem, Oregon on JUN 28 2024



Dwight French, Water Right Services Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

Mailing date: JUN 28 2024