

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13493, Marion County)	ADDITIONAL POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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.

Applicant

DOROTHEA KATHRYN DeARMOND, LLC
C/O BRENT DeARMOND
18381 BOONES FERRY RD. NE
HUBBARD, OR 97032

Findings of Fact

1. On July 30, 2020, DOROTHEA KATHRYN DeARMOND, LLC, C/O BRENT DeARMOND, filed an application for an additional point of appropriation under Certificate 85763. The Department assigned the application number T-13493.
2. Notice of the application for transfer was published on August 4, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 21, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13493 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of December 21, 2020, for the applicants to respond. The applicants 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.

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.

4. On February 23, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13493 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on March 2, 2021, and in the Woodburn Independent newspaper on March 10 and March 17, 2021 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 85763 in the name of THOMAS H. DE ARMOND (perfected under Permit G-8387)

Use: IRRIGATION of 23.8 ACRES AND SUPPLEMENTAL IRRIGATION of 74.7 ACRES

Priority Date: NOVEMBER 8, 1978

Rate: 0.57 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL WELLS, WELLS 4 AND 5, OR ITS EQUIVALENT IN CASE OF ROTATION, MEASURED AT THE WELLS

Limit/Duty: The amount of water used for irrigation, 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 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. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: THREE WELLS within the MILL CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
4 S	1 W	WM	29	SW SE	2		WELL 5 - 370 FEET NORTH AND 2750 FEET EAST FROM THE SW CORNER OF SECTION 29
4 S	1 W	WM	32	NW NE	1		WELL 4 - 70 FEET SOUTH AND 2750 FEET EAST FROM THE SW CORNER OF SECTION 29
4 S	1 W	WM	32	NE NW		56	WELL 8 - 1380 FEET NORTH AND 920 FEET WEST FROM THE C1/4 CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	SW SW	3		4.1
4 S	1 W	WM	29	SE SW	2		1.6
4 S	1 W	WM	29	SE SW		58	0.4
4 S	1 W	WM	32	NE NW	1		0.2
4 S	1 W	WM	32	NW NW	2		17.5
TOTAL							23.8

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	NE SW		58	2.0
4 S	1 W	WM	29	SE SW		58	17.5
4 S	1 W	WM	29	SE SW	2		16.2
4 S	1 W	WM	29	SW SE	2		1.2
4 S	1 W	WM	29	SW SE		57	0.8
4 S	1 W	WM	29	SW SE		58	3.8
4 S	1 W	WM	32	NW NE	1		2.6
4 S	1 W	WM	32	NW NE		57	1.8
4 S	1 W	WM	32	NE NW	1		28.1
4 S	1 W	WM	32	NW NW	2		0.7
TOTAL							74.7

6. Transfer Application T-13493 proposes an additional point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate measured distance from the original points of appropriation in miles (mi.)		
4 S	1 W	WM	32	NW NW	2	WELL 9 - 875 FEET SOUTH AND 405 FEET EAST FROM THE NW CORNER OF SECTION 32	Well 5 0.5 mi.	Well 4 0.5 mi.	Well 8 0.2 mi.

Transfer Review Criteria (OAR 690-380-4010)

7. 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.
8. A pump, pipeline, and sprinkler 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-13493.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.
11. All other application requirements are met.

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-13493 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-13493 is approved.
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 85763 and any related decree.
3. Water right Certificate is 85763 cancelled.
4. The quantity of water diverted at the new additional point of appropriation, (Well 9), together with that diverted at the original points of appropriation, (Well 4, Well 5, and Well 8), shall not exceed the quantity of water lawfully available at the original points of appropriation, (Well 4, Well 5, and Well 8).
5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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 **MAY 05 2021**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: **MAY 06 2021**