

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

In the Matter of Permit Amendment)
T-9455, Yamhill County, Oregon)
)

FINAL ORDER

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,
15909 NE McDougall Road,
Dayton, Oregon 97114.

Findings of Fact

1. Red Hills Farm, LLC, filed an application to add an additional point of appropriation to Well 6 under Permit G-13083. The Department assigned the application number T-9455.
2. The permit to be amended is as follows:

Permit: G-13083, in the name of William H. Stoller;
Use: Irrigation and industrial use (winery);
Priority Date: November 4, 1994;
Quantity: A cumulative total not to exceed 0.579 cubic foot per second (cfs) at any one time, being 0.579 cfs from Wells 2, 3, 4, 5, 6, and 7 for irrigation and 0.071 cfs from Well 4 for industrial use (winery), and further limited to 0.156 cfs from Well 7, 0.029 cfs from Well 2, 0.111 cfs from Well 3, 0.071 cfs from Well 4, 0.123 cfs from Well 5, and 0.089 cfs from Well 6;
Rate/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 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 for each acre irrigated during the irrigation season of each year.
Acres: 349.2;
Sources: Wells 2, 3, 4, 5, 6, and 7, in the Yamhill River Basin.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Date Of Complete Application of Water: October 1, 2011.

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
4	S	3	W	W.M.	5	NE	SE			Well 3 – 1560 feet North and 175 feet West from SE Corner of Section 5.
4	S	3	W	W.M.	5	SE	SE			Well 4 – 480 feet North and 70 feet West from SE Corner of Section 5.
4	S	3	W	W.M.	8	NE	NE			Well 5 – 1075 feet South and 30 feet West from NE Corner of Section 8.
4	S	3	W	W.M.	8	NW	NE			Well 2 – 150 feet South and 2010 feet West from NE Corner of Section 8.
4	S	3	W	W.M.	9	NW	NW			Well 6 – 1070 feet South and 500 feet East from NW Corner of Section 9.
4	S	3	W	W.M.	9	NW	NW			Well 7 – 415 feet South and 1140 feet East from NW Corner of Section 9.

Authorized Place of Use:

Township	Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
4	S	3	W	W.M.	4	NW	SW		30.1
4	S	3	W	W.M.	4	SW	SW		36.4
4	S	3	W	W.M.	4	SW	SW		INDUSTRIAL
4	S	3	W	W.M.	5	SW	NE		1.8
4	S	3	W	W.M.	5	NE	SW		0.4
4	S	3	W	W.M.	5	SE	SW		7.3
4	S	3	W	W.M.	5	NE	SE		29.8
4	S	3	W	W.M.	5	NW	SE		27.0
4	S	3	W	W.M.	5	SW	SE		40.9
4	S	3	W	W.M.	5	SE	SE		40.5
4	S	3	W	W.M.	5	SE	SE		INDUSTRIAL
4	S	3	W	W.M.	8	NE	NE		40.6
4	S	3	W	W.M.	8	NW	NE		16.8
4	S	3	W	W.M.	8	SW	NE		2.7

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Acres
4	S	3	W	W.M.	8	SE	NE			14.7
4	S	3	W	W.M.	9	NW	NW			38.7
4	S	3	W	W.M.	9	SW	NW			21.5

3. Application T-8455 proposes an additional point of appropriation to Well 6 located:

Township		Range		Meridian	Sec	¼ ¼		Lot	DLC	Location
4	S	3	W	W.M.	9	NW	NW			Well 6A – 1030 feet South and 497 feet East from the NW Corner of Section 9.

4. Notice of the application for permit amendment was published pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. The permit holder, William H. Stoller, has given written permission for the permit amendment to take place.
6. The change would not result in injury to other water rights.
7. The change does not enlarge the permit.
8. The change does not alter all other terms of the permit.

Conclusion of Law

The additional point of appropriation for Well 6 proposed by Permit Amendment Application T-8455 is consistent with the requirements of ORS 537.211.


Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new point of appropriation (Well 6A), together with that diverted at the old point of appropriation (Well 6), shall not exceed the maximum rate and duty allowed for Well 6 under Permit G-13083.
2. A. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
3. Water shall be acquired from a single basalt aquifer within the same basalt aquifer as the original point of appropriation (Well 6).
 4. All other terms and conditions of Permit G-13083 remain the same.
 5. Permit G-13083, in the name of William H. Stoller, is amended as described herein.

Dated at Salem, Oregon this 20th day of September 2004.


Phillip C. Ward,
Acting Director