

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

In the Matter of Permit Amendment)
T-13225, Yamhill County)
)
) FINAL ORDER APPROVING AN
) ADDITIONAL POINT OF
) APPROPRIATION AND A CHANGE
) IN PLACE OF USE

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

BROADPEAK BW LLC AND BLACK WALNUT LLC
ATTN: JOHN HULL, RANDE HOLDINGS LLC
47 STATE ST. SUITE 200
LAKE OSWEGO, OR 97034

Findings of Fact

1. On July 18, 2019, Broadpeak BW LLC AND Black Walnut LLC, Attn: John Hull, RandE Holdings, LLC, filed an application for an additional point of appropriation and for a change in place of use under Permit G-15571. The Department assigned the application number T-13225.
2. On March 20, 2017, Application G-16008, Permit G-15571 was partially assigned from Karen and Neal Utz to Black Walnut, LLC, and partially assigned from Karen and Neal Utz to Broadpeak BW, LLC.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on July 23, 2019, and in the McMinnville News-Register newspaper on March 27, 2020 and on April 3, 2020, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
4. Permit Amendment Application T-13225 proposes an additional point of appropriation, (approximate distance from existing point of appropriation in Miles (mi.)), as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Point of Appropriation (POA #1)
3 S	3 W	WM	22	SW SW	POA #2 - 561 FEET NORTH AND 1278 FEET EAST FROM THE SW CORNER OF SECTION 22	0.3 mi.

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.

4. Permit Amendment Application T-13225 also proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	3 W	WM	22	SW SW	6.7
3 S	3 W	WM	22	SE SW	5.0
3 S	3 W	WM	27	NW NW	19.2
TOTAL					30.9

Permit Amendment Review Criteria

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

Conclusions of Law

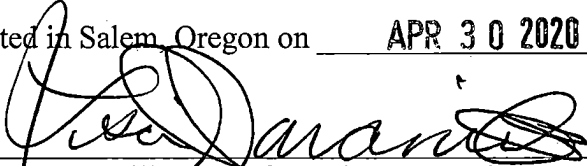
The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-13225 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation and change in place of use proposed by Permit Amendment Application T-13225 are approved.
2. Permit G-18332, in the name of Broadpeak BW, LLC and Black Walnut, LLC, is issued to replace Permit G-15571, and incorporates the amendments approved by this order. Permit G-15571, in the name of Broadpeak BW, LLC and Black Walnut, LLC, is no longer of any force or effect.
3. The combined quantity of water diverted at the new additional point of appropriation (POA #2), together with that diverted at the old point of appropriation (POA #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (POA #1).
4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. The former place of use shall no longer be irrigated as part of this permit.

6. All other terms and conditions of Permit G-18332 remain the same.

Dated in Salem, Oregon on APR 30 2020



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

Mailing Date: MAY 01 2020