

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-13660, Yamhill County)	CHANGES IN PLACE OF USE, POINTS OF
)	DIVERSION, AND ADDITIONAL POINTS 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
786 ROAD 188
DELANO, CA 93215

Findings of Fact

1. On April 5, 2021, SARBANAND ENTERPRISES filed an application to temporarily change the place of use, point of diversion, and an additional point of diversion under Certificates 53093 and 66607 for a period of 5 years. The Department assigned the application number T-13660.
2. Notice of the application for transfer was published on April 13, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The first right to be temporarily transferred is as follows:
Certificate: 53093 in the name of R. L. WALKER FARMS, INC. by DON L. WALKER, PRESIDENT (perfected under Permit S-46660)
Use: IRRIGATION of 43.1 ACRES
Priority Date: DECEMBER 14, 1981

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.

Rate: 0.54 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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 per acre for each acre irrigated during the irrigation season of each year.
Source: SOUTH YAMHILL RIVER a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	5 W	WM	35	SE NW	37	2360 FEET SOUTH AND 2950 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	26	SE SW	6		2.7
5 S	5 W	WM	26	SE SW		70	3.4
5 S	5 W	WM	26	SW SE		70	4.9
5 S	5 W	WM	35	NW NE		70	3.5
5 S	5 W	WM	35	NW NE	4		5.3
5 S	5 W	WM	35	SW NE	5		2.1
5 S	5 W	WM	35	SW NE		37	5.2
5 S	5 W	WM	35	NE NW		70	3.0
5 S	5 W	WM	35	NE NW	3		7.5
5 S	5 W	WM	35	SE NW	2		2.1
5 S	5 W	WM	35	SE NW		37	3.4
Total:							43.1

4. Temporary Transfer Application T-13660 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	13	NW SW	79	0.1
4 S	4 W	WM	13	SW SW	79	8.0
4 S	4 W	WM	13	SW SW	79	2.0
4 S	4 W	WM	14	NW NE	79	1.0
4 S	4 W	WM	14	SE NE	79	0.1
4 S	4 W	WM	14	SW NE	79	10.4
4 S	4 W	WM	14	NE SE	79	6.8
4 S	4 W	WM	14	NW SE	79	2.8
4 S	4 W	WM	14	SE SE	79	11.9
Total:						43.1

5. A change in points of diversion and additional points of diversion are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13660 proposes to move the authorized point of diversion downstream and to add an additional point of diversion downstream as in the table below with approximate distances from the original point of diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Type of change	Distance in miles from the authorized point of diversion
4 S	4 W	WM	14	NW NE	79	POD 2 - 1100 FEET SOUTH AND 2130 FEET WEST FROM THE NE CORNER OF SECTION 14	APOD	11.0 miles
4 S	4 W	WM	14	SW SE	79	POD 1 - 2400 FEET NORTH AND 2360 FEET WEST FROM THE SE CORNER OF DLC 79	POA	10.7 miles

6. The portion of the second right to be temporarily transferred is as follows:

Certificate: 66607 in the name of R. L. WALKER FARMS, INC. (perfected under Permit S-18862)

Use: IRRIGATION of 32.9 ACRES

Priority Date: JULY 23, 1945

Rate: 0.41 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be 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 per acre for each acre irrigated during the irrigation season of each year.

Source: SOUTH YAMHILL RIVER a tributary of the YAMHILL RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	35	SW SW	1050 FEET NORTH AND 300 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	5 W	WM	35	NE NE		70	0.20
5 S	5 W	WM	35	NE NE	6		1.60
5 S	5 W	WM	36	NW NW		70	13.2
5 S	5 W	WM	36	NW NW	4		17.0
5 S	5 W	WM	36	SW NW		68	0.9
Total:							32.9

7. Temporary Transfer Application T-13660 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	14	SE SE	79	0.2
4 S	4 W	WM	23	NE NE	79	18.0
4 S	4 W	WM	23	SE NE	79	0.5
4 S	4 W	WM	24	NW NW	79	13.8
4 S	4 W	WM	24	SW NW	79	0.4
Total:						32.9

8. A change in points of diversion and additional points of diversion are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-13660 proposes to move the authorized point of diversion downstream and an additional point of diversion downstream as described in the table below with approximate distances from the original point of diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Type of change	Distance in miles from the authorized point of diversion
4 S	4 W	WM	14	NW NE	79	POD 2- 1100 FEET SOUTH AND 2130 FEET WEST FROM THE NE CORNER OF SECTION 14	APOD	11.2 miles
4 S	4 W	WM	14	SW SE	79	POD 1-2400 FEET NORTH AND 2360 FEET WEST FROM THE SE CORNER OF DLC 79	POA	11.6 miles

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
11. 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 rights, as required by ORS 540.523(7).
12. 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

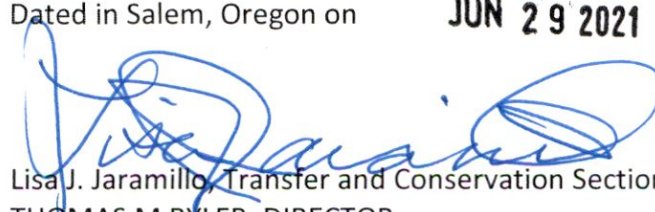
The temporary changes in place of use, points of diversion and additional points of diversion to convey water to the temporary place of use proposed in Temporary Transfer Application T-13660 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use, change in points of diversion and additional points of diversion] to convey water to the temporary place of use proposed in Temporary Transfer Application T-13660 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2021, 2022, 2023, 2024, and 2025 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2025 irrigation season. The authorization to use the additional points 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. A subsequent application for permanent transfer of Certificates 53093 and 66607 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.
6. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 53093 and 66607.
7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
8. The use of the remaining water right described by Certificate 66607 shall continue to be in accordance with the terms and conditions of Certificate 66607.

Dated in Salem, Oregon on

JUN 29 2021


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

Mailing Date:

JUN 30 2021