

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-13232, Yamhill County) CHANGE IN PLACES OF USE

Authority

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

WILLAMETTE VALLEY LAND, LLC
C/O PAUL KUEHNE
PO BOX 99
LAFAYETTE, OR 97127

Findings of Fact

1. On July 29, 2019, WILLAMETTE VALLEY LAND, LLC, C/O PAUL KUEHNE filed an application to change the place of use under Certificates 15391 and 15392. The Department assigned the application number T-13232.
2. Notice of the application for transfer was published on August 6, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 13, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13232 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 13, 2020, for the applicant to respond. The applicant 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 March 12, 2020, the Department issued a Preliminary Determination proposing to approve Transfer T-13232 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 17, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The first right to be transferred is as follows:

Certificate: 15391 in the name of VEARL AND LENA F. GOSS (perfected under Permit S-13308)

Use: IRRIGATION of 13.6 ACRES

Priority Date: OCTOBER 3, 1938

Rate: 0.17 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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q
4 S	4 W	WM	33	SW SE
5 S	4 W	WM	4	SE NW

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	4 W	WM	33	SE SW	39	3.0
5 S	4 W	WM	4	NW NE	39	0.2
5 S	4 W	WM	4	NE NW	39	10.4
Total						13.6

6. The Department received information from the applicant that better describes the location of the authorized points of diversion for Certificate 15391 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	4 W	WM	33	SW SE	POD NORTH - 215 FEET SOUTH AND 1450 FEET EAST FROM THE NW CORNER OF DLC 64
5 S	4 W	WM	4	SE NW	POD SOUTH - 2440 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF DLC 64

7. Transfer Application T-13232 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	4 W	WM	33	SW SW	5		0.2
4 S	4 W	WM	33	SE SW		64	6.0
4 S	4 W	WM	33	SE SW	6		1.1
5 S	4 W	WM	4	NW NE		39	0.6
5 S	4 W	WM	4	NE NW		39	5.7
Total							13.6

8. The second right to be transferred is as follows:

Certificate: 15392 in the name of VEARL & LENA F. GOSS (perfected under Permit S-13309)

Use: IRRIGATION of 18.4 ACRES

Priority Date: OCTOBER 3, 1938

Rate: 0.23 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: YAMHILL RIVER, a tributary of WILLAMETTE RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
5 S	4 W	WM	4	SE NW

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	
4 S	4 W	WM	33	SW SW	5	0.7	
4 S	4 W	WM	33	SE SW	6	0.7	
5 S	4 W	WM	4	NW NW	2	15.7	
5 S	4 W	WM	4	SW NW	3	1.3	
Total							18.4

9. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 15392 as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	4 W	WM	4	SE NW	POD SOUTH - 2440 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF DLC 64

10. Transfer Application T-13232 also proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	4	NE NW		39	2.1
5 S	4 W	WM	4	NE NW	2		6.5
5 S	4 W	WM	4	NW NW	2		9.8
Total							18.4

Transfer Review Criteria [OAR 690-380-4010(2)]

11. 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 rights are subject to forfeiture under ORS 540.610.
12. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13232.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.
15. All other application requirements are met.

Conclusions of Law

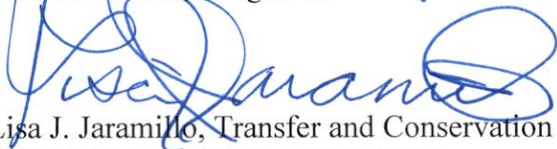
The change in places of use proposed in Transfer Application T-13232 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in places of use proposed in Transfer Application T-13232 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 Certificates 15391 and 15392, and any related decree.
3. Water right Certificates 15391 and 15392 are cancelled.
4. The former place of use of the transferred rights shall no longer receive water under the rights.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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 changes and full beneficial use of the water.

6. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **MAY 14 2020**


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

Mailing date: MAY 15 2020