



5. On February 20, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13561 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 22, 2021, 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.
6. On May 1, 2021, the Department discovered that the quarter-quarter for the change in place of use for Certificate 32695 was listed in the draft Preliminary Determination incorrectly. It read SW NW, and should have read NWSW. For Certificate 39204, the acres for the authorized place of use were written incorrectly. They read 0.2 acres in the NW NW quarter-quarter, and 4.8 in the SW NW quarter-quarter. They should have read 0.01 and 4.99 acres, respectively. This revised draft Preliminary Determination is to correct these scrivener's errors.
7. On May 22, 2021, the Department mailed a copy of the revised draft Preliminary Determination proposing to approve Transfer Application T-13561 to the applicant. The revised draft Preliminary Determination cover letter set forth a deadline of June 21, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination.

8. The portion of the first right to be transferred is as follows:

**Certificate:** 29446 in the name of JACOB BAKKER (perfected under Permit S-25372)  
**Use:** IRRIGATION of 3.98 ACRES  
**Priority Date:** MARCH 5, 1958  
**Rate:** 0.05 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.  
**Source:** SALT CREEK, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	5 W	WM	14	SW NW	47

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	5 W	WM	14	SW NW	46	3.98

9. Certificate 29446 does not describe the measured distance of the point of diversion, however information is available from the applicant, indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	5 W	WM	14	SW NW	47	10 FEET NORTH AND 1100 FEET EAST FROM THE NW CORNER OF KIMSEY DLC

10. Transfer Application T-13561 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	5 W	WM	14	SW NW	46	0.36
6 S	5 W	WM	14	SE NW	46	0.6
6 S	5 W	WM	14	NE SW	46	0.27
6 S	5 W	WM	14	NW SW	46	2.75
Total						3.98

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

**Certificate:** 32695 in the name of JACOB BAKKER (perfected under Permit S-29285)  
**Use:** IRRIGATION of 3.28 ACRES  
**Priority Date:** DECEMBER 27, 1963  
**Rate:** 0.04 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.  
**Source:** SALT CREEK, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC
6 S	5 W	WM	14	SW NW	47

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	5 W	WM	14	SW NW	46	3.28

12. Certificate 32695 does not describe the measured distance of the point of diversion, however information is available from the applicant, indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	5 W	WM	14	SW NW	47	10 FEET NORTH AND 1100 FEET EAST FROM THE NW CORNER OF KIMSEY DLC

13. Transfer Application T-13561 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	5 W	WM	14	NW SW	46	3.28

14. The third right to be transferred is as follows:

**Certificate:** 39204 in the name of JACOB BAKKER (perfected under Permit S-35565)  
**Use:** IRRIGATION of 5.0 ACRES  
**Priority Date:** AUGUST 27, 1970  
**Rate:** 0.06 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.  
**Source:** SALT CREEK, a tributary of YAMHILL RIVER

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	5 W	WM	14	SW NW	47	10 FEET NORTH AND 1100 FEET EAST FROM THE NW CORNER OF DLC 46

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	5 W	WM	14	NW NW	47	0.01
6 S	5 W	WM	14	SW NW	47	4.99
Total						5.0

15. Transfer Application T-13561 proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	5 W	WM	14	NW SW	46	5.0

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

16. 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.
17. 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-13561.
18. The proposed change would not result in enlargement of the rights.
19. The proposed change would not result in injury to other water rights.
20. All other application requirements are met.

**Determination and Proposed Action**

The changes in place of use proposed in Transfer Application T-13561 appear to be consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the transfer application will be approved.

*If Transfer Application T-13561 is approved, the final order will include the following:*

1. *The change in places of use proposed in Transfer Application T-13561 are 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 29446, 32695, 39204, and any related decree.*
3. *Water right Certificates 29446 and 32695 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *Water right Certificate 39204 is cancelled.*
5. *The former place of use of the transferred rights shall no longer receive water under the rights.*
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 changes and full beneficial use of the water.*

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

Dated in Salem, Oregon on JUL 08 2021



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

This Preliminary Determination was prepared by: Tamera Smith. If you have any questions about the information in this document, you may reach me at 503-986-0864 or [tamera.l.smith@oregon.gov](mailto:tamera.l.smith@oregon.gov)

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.*

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

**Notice Regarding Service Members:** Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 8, 2021

PERRYDALE HILLS VINEYARD, LLC  
SAMUEL COELHO  
PO BOX 710  
AMITY, OR 97101

SUBJECT: Water Right Transfer Application T-13561

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13561. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

**IMPORTANT:** Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified above.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrd.state.or.us if I may be of assistance.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Tamera Smith', with a stylized flourish at the end.

Tamera Smith  
Transfer Caseworker  
Transfer and Conservation Section]

cc: Transfer Application file T-13561  
Joel M. Plahn, District 22 Watermaster (*via e-mail*)  
Jeanne Boatwright, Agent for the applicant (*via e-mail*)

encs