BEFORE THE WATER RESOURCES DEPARTMENT

OF THE

STATE OF OREGON

In the Matter of Transfer Application T-14260, Multnomah County	)))	SUPERSEDING PROPOSED FINAL ORDER APPROVING ADDITIONAL POINTS OF APPROPRIATION

This Proposed Final Order supersedes the Proposed Final Order issued on October 26, 2026, due to the identified deadline date for filing protests falling on the Thanksgiving holiday.

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

T&K SESTER FAMILY, LLC
ATTN: TED SESTER
24200 SE HIGHWAY 212
DAMASCUS, OR 97089

Findings of Fact

1. On June 2, 2023, T&K Sester Family, LLC, Attn: Ted Sester filed an application for additional points of appropriation under Certificates 28123 and 32336. The Department assigned the application number T-14260.

2. Notice of the application for transfer was published on June 6, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On July 1, 2026, the applicant's agent submitted a revised Table 2 and map to include the entirety of Certificate 28123.

Under ORS 540.520(8) and (9) and ORS 536.077(1), any person may file a protest of this Proposed Final Order within 30 days after publication of notice of this Proposed Final Order in the Department's weekly notice. Under ORS 540.520(9) and ORS 536.077(2), if a protest is filed, any person who supports this Proposed Final Order may file a request for party status within 30 days after the deadline for filing a protest. Please refer to the end of this document for further information about filing protests and requests for party status.

4. On August 28, 2026, the Department sent a copy of the Initial Review to the applicant, proposing to approve Transfer Application T-14260. The Initial Review cover letter provided a deadline of September 28, 2026, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Proposed Final Order and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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

Certificate: 28123 in the name of ANDREW WILLIAM AND ANNE SHERWOOD (perfected under Permit G-202)
Use: IRRIGATION of 9.3 ACRES
Priority Date: MARCH 12, 1956
Rate: 0.11 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: NURSERY IRRIGATION WELL a tributary of SANDY RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	16	SE NE	NURSERY IRRIGATION WELL - 370 FEET NORTH AND 1600 FEET EAST FROM CENTER SECTION 16

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	16	SW NE	6.1
1 S	4 E	WM	16	SE NE	3.2
				Total	9.3

6. Transfer Application T-14260 proposes additional points of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles:
1 S	4 E	WM	16	SE NE	SHERWOOD WELL 2 - 750 FEET NORTH AND 1670 FEET EAST FROM CENTER OF SECTION 16	0.07 mile Northeast
1 S	4 E	WM	16	NW SE	SESTER FARMS WELL 1 -1070 FEET SOUTH AND 50 FEET EAST FROM CENTER OF SECTION 16	0.4 mile Southwest

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles:
1 S	4 E	WM	16	SE SE	SESTER FARMS WELL 3 - 2285 FEET SOUTH AND 1450 FEET EAST FROM CENTER OF SECTION 16	0.5 mile Southwest

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

Certificate: 32336 in the name of ANDREW W. AND ANNE SHERWOOD (perfected under Permit G-1613)
Use: IRRIGATION OF 41.9 ACRES
Priority Date: MAY 27, 1960
Rate: 0.35 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: A WELL, a tributary of SANDY RIVER

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	16	SE NE	SHERWOOD WELL 1 - 2260 FEET SOUTH AND 1000 FEET WEST FROM NE CORNER, SECTION 16

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	16	NE NE	10.0
1 S	4 E	WM	16	SE NE	31.9
				Total	41.9

8. Transfer Application T-14260 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate Distance from Authorized Point of Appropriation in Miles:
1 S	4 E	WM	16	SE NE	SHERWOOD WELL 2 - 750 FEET NORTH AND 1670 FEET EAST FROM CENTER OF SECTION 16	0.07 mile Northeast
1 S	4 E	WM	16	NW SE	SESTER FARMS WELL 1 -1070 FEET SOUTH AND 50 FEET EAST FROM CENTER OF SECTION 16	0.4 mile Southwest
1 S	4 E	WM	16	SE SE	SESTER FARMS WELL 3 - 2285 FEET SOUTH AND 1450 FEET EAST FROM CENTER OF SECTION 16	0.5 mile Southwest

Transfer Review Criteria [OAR 690-300-0010(58), OAR 690-380-4010(2), and OAR 690-380-2110(2)]

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.

10. A water delivery system sufficient to use the full amount of water allowed under the existing rights was present within the five-year period prior to submittal of Transfer Application T-14260.

11. The water rights are subject to transfer as defined in ORS 540.505(4) and OAR 690-300-0010(58).

12. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).

13. The proposed changes, as conditioned, would not result in enlargement of the rights.

14. The proposed change, as conditioned, would not result in injury to other existing water rights.

15. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-14260 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14260 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-14260 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 28123 and 32336 and any related decree.*

3. *Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation.*

4. *Water right Certificates 28123 and 32336 are cancelled.*

5. *Under Certificate 28123, the quantity of water diverted at the new additional points of appropriation (Sherwood Well 2, Sester Farms Well 1, and Sester Farms Well 3), together with that diverted at the original point of appropriation (Nursery Irrigation Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Nursery Irrigation Well).*

6. *Under Certificate 32336, the quantity of water diverted at the new additional points of appropriation (Sherwood Well 2, Sester Farms Well 1, and Sester Farms Well 3), together with that diverted at the original point of appropriation (Sherwood Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Sherwood Well 1).*

7. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

8. *Water use measurement conditions:*
   a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
   b. *The water user shall maintain the meters or measuring devices in good working order.*
   c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

9. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before* ***October 1, 2032****. 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.*

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

Dated in Salem, Oregon on 10/23/2026

Lisa J. Jaramillo,
Transfer and Conservation Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

This Proposed Final Order was prepared by Elyse Hennen. If you have questions about the information in this document, you may reach me at 971-701-5485 or at elyse.d.hennen@water.oregon.gov.

Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by December 3, 2026, and the Department does not withdraw this Proposed Final Order on or before January 5, 2027, this Proposed Final Order is a final order without any further action by the Department on January 5, 2027.

Protests and Requests for Party Status

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

Protests: Under the provisions of ORS 540.520(8) and (9) and ORS 536.077(1), any person may protest this Proposed Final Order. Protests may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline. Protests may be emailed to will.d.davidson@water.oregon.gov, but payment of Protest fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Protests and protest fees must be received by the Water Resources Department no later than **December 3, 2026**.

Protests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, telephone number, and email address, if the protestant has an email address;
- Include the name, address, telephone number, and email address of the protestant's attorney, if the protestant is represented by an attorney;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonably available arguments that support the protestant's position;

- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of $720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of $1,425 required by ORS 536.050.

Requests for Party Status: Under the provisions of ORS 540.520(9) and ORS 536.077(2), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. There is no need for the applicant to file a request for party status. The applicant will automatically be a party to any contested case proceeding on this Proposed Final Order. Requests for party status may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline. Requests for party status may be emailed to will.d.davidson@water.oregon.gov, but payment of request for party status fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Requests for party status and request for party status fees must be received by the Water Resources Department no later than **January 4, 2027**.

Requests for party status must be in writing and include the following:

- Names, addresses, and email addresses (if any) of the requestor and any organization the requestor represents;
- Name, address, and email address of the requestor's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requestor seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requestor's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requestor seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requestor's qualifications to represent such public interest;

- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requestor seeks to represent; and
- The request for party status fee of $1,425 required by ORS 536.077(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 690-002-0225.

Additional Notices

Notice of requirement to provide updated contact information: Parties must timely provide the Department with updated contact information, including any change of address or primary means of electronic communication. The contact information provided in the protest or request for party status, as applicable, is presumed to be valid for the purposes of service and notification of upcoming referral to the Office of Administrative Hearings unless timely updated by the party. OAR 690-002-0081.

Notice of the circumstances under which this Proposed Final Order will become a final order: If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 690-002-0235; OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

Notice of Right to Pursue Approval of Transfer through Consent to Injury Process after Contested Case Hearing: If after a contested case hearing on this Proposed Final Order the Department issues a proposed order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding OAR 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the

Department provides notice to the parties that the transfer does not meet the requirements of OAR 690-380-5030 to 690-380-5050.

Notice of right to be represented by an attorney: You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an "authorized representative" as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice to active duty servicemembers: Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

If you have questions about how to file a protest or a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

Oregon
Tina Kotek, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904
www.oregon.gov/owrd

October 29, 2026

VIA CERTIFIED MAIL AND E-MAIL

T&K SESTER FAMILY, LLC
ATTN: TED SESTER
24200 SE HIGHWAY 212
DAMASCUS, OR 97089

SUBJECT: Water Right Transfer Application T-14260

This Proposed Final Order supersedes the Proposed Final Order issued on October 26, 2026, due to the identified date for filing protests falling on the Thanksgiving holiday.

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to approve application T-14260. 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 and in the Gresham Outlook newspaper, simultaneously with issuance of the Proposed Final Order. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Proposed Final Order or a request for party status supporting the Department's decision. The protest period will end 30 days after the Department's notice.

The Proposed Final Order will become a Final Order 33 days after the protest period ends without any further action by the Department, as a matter of law, if no protest is filed.

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 Proposed Final Order to present information and arguments supporting their position in a quasi-judicial proceeding.

Please don't hesitate to contact me at 971 701-5485 or Elyse.D.Hennen@water.oregon.gov, if I may be of assistance.

Sincerely,

Elyse Hannen
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14260
Amy J. Landvoigt, District 20 Watermaster *(via e-mail)*
Summit Water Resources LLC, Agent for the applicant *(via e-mail)*
encs