

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

In the Matter of Transfer Application            )     FINAL ORDER  
T-14164, Lane County                            )     APPROVING AN ADDITIONAL POINT OF  
  )     APPROPRIATION

**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**

RON KIZER  
34030 ORCHARD AVE  
CRESWELL, OR 97426

**Findings of Fact**

1. On January 30, 2023, RON KIZER filed an application for an additional point of appropriation under Certificate 96637. The Department assigned the application number T-14164.
2. Notice of the application for transfer was published on February 7, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 2, 2023, the applicant’s agent notified the Department that the proposed point of appropriation’s description for Certificate 96637 did not match the proposed location on the transfer application map. The Department recognized this and found the Table 1 location in the transfer application did not match the transfer application map.
4. On November 2, 2023, the applicant’s agent submitted a revised Table 1 for Certificate 96637 that matches the proposed point of appropriation’s location on the application map.

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.

5. On October 17, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14164 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of November 16, 2023, 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 January 12, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14164 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on January 16, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

7. The right to be transferred is as follows:

**Certificate:** 96637 in the name of RON KIZER (perfected under Permit G-16522)  
**Use:** IRRIGATION OF 4.7 ACRES  
**Priority Date:** JULY 20, 2006  
**Rate:** 0.06 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MAY 1 THROUGH OCTOBER 31  
**Source:** A WELL in COAST FORK WILLAMETTE RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
19 S	3 W	WM	24	NW SW	7	(WELL 1) - 2870 FEET SOUTH AND 685 FEET EAST FROM THE NW CORNER OF SECTION 24

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
19 S	3 W	WM	24	NW SW	7	4.7

8. Transfer Application T-14164 proposes an additional point of appropriation approximately 20 feet from the existing point of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
19 S	3 W	WM	24	NW SW	7	WELL 2 - 2890 FEET SOUTH AND 685 FEET EAST FROM THE NW CORNER OF SECTION 24

**Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]**

9. A confirming certificate was issued within the last five years prior to the submittal of Transfer Application T-14164. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14164.
11. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
12. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
13. The proposed change would not result in enlargement of the right.
14. The proposed change would not result in injury to other existing water rights.
15. All other application requirements are met.

**Conclusions of Law**

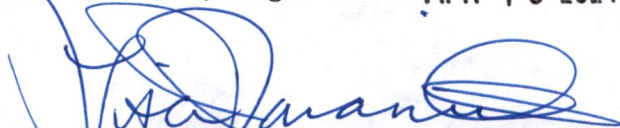
The additional point of appropriation proposed in Transfer Application T-14164 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The additional point of appropriation proposed in Transfer Application T-14164 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 Certificate 96637 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 point of appropriation.
4. Water right Certificate 96637 is cancelled.
5. The quantity of water diverted at the new additional point of appropriation (Well 2), together with that diverted at the original point of appropriation (Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

7. 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.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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 change and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **APR 18 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date: APR 19 2024