



6. On March 14, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12117 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of April 13, 2016, for the applicants to respond. The applicants requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicants are authorized to pursue the transfer.
7. On April 25, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12117 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 26, 2016, and in the Woodburn Independent newspaper on May 4, and May 11, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

8. The right to be transferred is as follows:

**Certificate:** 40089 in the name of DAVIDSON FARMS INCORPORATED (perfected under Permit G-3655)

**Use:** SUPPLEMENTAL IRRIGATION OF 57.0 ACRES

**Priority Date:** APRIL 17, 1967

**Rate:** 0.56 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, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** A WELL within the WILLAMETTE RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	25	SW SE	65	WELL 5: 570 FEET NORTH AND 440 FEET WEST FROM THE SE CORNER OF COYLE DLC 65

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	25	SE SW	65	10.10
4 S	3 W	WM	25	SW SE	65	28.00
4 S	3 W	WM	36	NW NE	65	12.60
4 S	3 W	WM	36	NE NW	65	6.30
Total						57.00

9. Transfer Application T-12117 proposes two additional points of appropriation, described as follows, with the approximate distances from the original well identified below:

Twtp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from Well
4 S	2 W	WM	31	NW NW	89	WELL 2: 415 FEET SOUTH AND 1170 FEET EAST FROM THE SW CORNER OF SECTION 30	3348 feet SE
4 S	3 W	WM	36	NE NW	65	WELL 3: 350 FEET SOUTH AND 2780 FEET WEST FROM THE SW CORNER OF SECTION 30	642 feet SW

**Transfer Review Criteria (OAR 690-380-4010)**

10. 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 right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12117.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

**Conclusions of Law**


The additional points of appropriation proposed in Transfer Application T-12117 are 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 points of appropriation proposed in Transfer Application T-12117 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 Certificate 40089 and any related decree.
3. Water right Certificate 40089 is cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicants 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, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 14 day of June, 2016.

  
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Dwight French, Water Right Services Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

JUN 20 2016

Mailing Date: \_\_\_\_\_