

4. On March 2, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12078 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 March 8, 2016, and in the Woodburn Independent newspaper on March 16 and 23, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
5. The first right to be transferred is as follows:

Certificate: 89260 in the name of MARY LOU HOLOBOFF (perfected under Permit G-4644)
Use: IRRIGATION OF 60.8 ACRES
Priority Date: MARCH 2, 1970
Rate: 0.430 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, is limited to a diversion of 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 in the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	10	SW SE	WELL (MARI 3926) - 1150 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
6 S	2 W	WM	10	NE SW	3	4.7
6 S	2 W	WM	10	SE SW	4	9.0
6 S	2 W	WM	10	NW SE		15.2
6 S	2 W	WM	10	SW SE		31.9
Total						60.8

6. Transfer Application T-12078 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance (feet) from Authorized Well (MARI 3926)
6 S	2 W	WM	9	SE NE	60	WELL (MARI 3898) - 3530 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER OF DLC 60	5500
6 S	2 W	WM	9	NW SE	60	WELL (MARI 3890) - 2040 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF DLC 60	6230
6 S	2 W	WM	9	SE SE	60	WELL (MARI 3905) - 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER OF DLC 97	3740
6 S	2 W	WM	10	SE NW	97	WELL (MARI 3908) - 2120 FEET NORTH AND 230 FEET WEST FROM THE MOST SOUTHERLY SE CORNER OF DLC 97	2874
6 S	2 W	WM	10	SE SW	60	WELL - 360 FEET SOUTH AND 20 FEET WEST FROM THE SOUTHERLY SE CORNER OF DLC 97	1390

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

Certificate: 57082 in the name of GEORGE J HAUPTMAN (perfected under Permit G-6277)

Use: IRRIGATION OF 73.2 ACRES

Priority Date: DECEMBER 10, 1974

Rate: 0.920 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 in the PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	10	SE NW	97	WELL (MARI 3908) - 2120 FEET NORTH AND 230 FEET WEST FROM THE MOST SOUTHERLY SE CORNER OF DLC 97

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	10	NW NE	97	0.3
6 S	2 W	WM	10	SW NE	97	24.8
6 S	2 W	WM	10	NE NW	97	0.3
6 S	2 W	WM	10	SE NW	97	19.7
6 S	2 W	WM	10	NE SW	97	25.2
6 S	2 W	WM	10	SE SW	97	2.9
Total						73.2

8. Transfer Application T-12078 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance (feet) from Authorized Well (MARI 3908)
6 S	2 W	WM	9	SE NE	60	WELL (MARI 3898) - 3530 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER OF DLC 60	3180
6 S	2 W	WM	9	NW SE	60	WELL (MARI 3890) - 2040 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF DLC 60	4620
6 S	2 W	WM	9	SE SE	60	WELL (MARI 3905) - 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER OF DLC 97	3210
6 S	2 W	WM	10	SW SE		WELL (MARI 3926) - 1150 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 10	2874
6 S	2 W	WM	10	SE SW	60	WELL - 360 FEET SOUTH AND 20 FEET WEST FROM THE SOUTHERLY SE CORNER OF DLC 97	2490

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

Certificate: 87080 in the names of FESSLER FAMILY, LLC AND NORTHWEST FARM CREDIT SERVICES (perfected under Permit G-11414)
Use: IRRIGATION OF 25.0 ACRES
Priority Date: APRIL 4, 1991
Rate: 0.30 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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.
Sources: WELLS 1 AND 2 within the CARNES CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	10	SW NW	97	WELL 1 - 1498 FEET NORTH AND 1620 FEET WEST FROM THE MOST SOUTHERLY SE CORNER OF DLC 97
6 S	2 W	WM	10	SE NW		WELL 2 (MARI 3908) - 2120 FEET NORTH AND 230 FEET WEST FROM THE MOST SOUTHERLY SE CORNER OF DLC 97

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	10	NW NW	97	2.0
6 S	2 W	WM	10	SW NW	97	23.0
Total						25.0

9. Transfer Application T-12078 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance (feet) from Authorized Well (MARI 3908)
6 S	2 W	WM	9	SE NE	60	WELL (MARI 3898) - 3530 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER OF DLC 60	3180
6 S	2 W	WM	9	NW SE	60	WELL (MARI 3890) - 2040 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF DLC 60	4620
6 S	2 W	WM	9	SE SE	60	WELL (MARI 3905) - 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER OF DLC 97	3210
6 S	2 W	WM	10	SW SE		WELL (MARI 3926) - 1150 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 10	2874
6 S	2 W	WM	10	SE SW	60	WELL - 360 FEET SOUTH AND 20 FEET WEST FROM THE SOUTHERLY SE CORNER OF DLC 97	2490

10. The fourth right to be transferred is as follows:

Certificate: 89431 in the name of BOB FESSLER (perfected under Permit G-2020)
Use: IRRIGATION OF 135.1 ACRES
Priority Date: DECEMBER 20, 1961
Rate: 1.69 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED TO NO MORE THAN 1.06 CFS FROM PERMIT G-5915 WELL, 1.69 CFS FROM PERMIT G-3454 WELL, AND 1.69 CFS FROM PERMIT G-2020 WELL
Limit/Duty: The amount of water used for irrigation, 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, 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.
Sources: THREE WELLS within the UNNAMED TRIBUTARY (LABISH DITCH) BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	9	SE NE	60	PERMIT G-3454 WELL (ADDITIONAL) (MARI 3898) - 3530 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER OF DLC 60
6 S	2 W	WM	9	NW SE	60	PERMIT G-5915 WELL (ADDITIONAL) (MARI 3890) - 2040 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF DLC 60
6 S	2 W	WM	9	SE SE	60	PERMIT G-2020 WELL (ORIGINAL) (MARI 3905) - 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER OF DLC 97

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	9	SW NE	60	0.2
6 S	2 W	WM	9	SE NE	60	6.6
6 S	2 W	WM	9	NE SE	60	39.9
6 S	2 W	WM	9	NW SE	60	9.4
6 S	2 W	WM	9	SW SE	60	1.5
6 S	2 W	WM	9	SE SE	60	13.7
6 S	2 W	WM	10	SW NW	60	0.2
6 S	2 W	WM	10	NW SW	60	1.0
6 S	2 W	WM	10	SW SW	60	35.1
6 S	2 W	WM	10	SE SW	60	27.5
Total						135.1

11. Transfer Application T-12078 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance (feet) from Authorized Wells		
							MARI 3898	MARI 3890	MARI 3905
6 S	2 W	WM	10	SE NW	97	WELL (MARI 3908) - 2120 FEET NORTH AND 230 FEET WEST FROM THE MOST SOUTHERLY SE CORNER OF DLC 97	3180	4620	3210
6 S	2 W	WM	10	SW SE		WELL (MARI 3926) - 1150 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 10	5500	6230	3740
6 S	2 W	WM	10	SE SW	60	WELL - 360 FEET SOUTH AND 20 FEET WEST FROM THE SOUTHERLY SE CORNER OF DLC 97	4425	4900	2335

12. The fifth right to be transferred is as follows:

Certificate: 89432 in the name of BOB FESSLER (perfected under Permit G-3454)

Use: IRRIGATION OF 58.0 ACRES

Priority Date: MAY 18, 1967

Rate: 0.720 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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: THREE WELLS within the LITTLE PUDDING RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	9	SE NE	60	PERMIT G-3454 WELL (ORIGINAL) (MARI 3898) - 3530 FEET NORTH AND 1470 FEET EAST FROM THE SW CORNER OF DLC 60
6 S	2 W	WM	9	NW SE	60	PERMIT G-5915 WELL (ADDITIONAL) (MARI 3890) - 2040 FEET NORTH AND 140 FEET EAST FROM THE SW CORNER OF DLC 60.
6 S	2 W	WM	9	SE SE	60	PERMIT G-2020 WELL (ADDITIONAL) (MARI 3905) - 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER OF DLC 97

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
6 S	2 W	WM	9	NE NE	60	1.8
6 S	2 W	WM	9	NW NE	60	1.3
6 S	2 W	WM	9	SW NE	60	21.0
6 S	2 W	WM	9	SE NE	60	32.9
6 S	2 W	WM	10	NW NW	60	0.1
6 S	2 W	WM	10	SW NW	60	0.9
Total						58.0

13. Transfer Application T-12078 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance (feet) from Authorized Wells		
							MARI 3898	MARI 3890	MARI 3905
6 S	2 W	WM	10	SE NW	97	WELL (MARI 3908) - 2120 FEET NORTH AND 230 FEET WEST FROM THE MOST SOUTHERLY SE CORNER OF DLC 97	3180	4620	3210
6 S	2 W	WM	10	SW SE		WELL (MARI 3926) - 1150 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 10	5500	6230	3740
6 S	2 W	WM	10	SE SW	60	WELL - 360 FEET SOUTH AND 20 FEET WEST FROM THE SOUTHERLY SE CORNER OF DLC 97	4425	4900	2335

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

Certificate: 89433 in the name of BOB FESSLER (perfected under Permit G-5915)

Use: IRRIGATION OF 27.68 ACRES

Priority Date: AUGUST 30, 1973

Rate: 0.33 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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.

Sources: THREE WELLS within the LAKE LABISH BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	2 W	WM	9	SE NE	60	PERMIT G-3454 WELL (ADDITIONAL) (MARI 3898) - 3530 FEET NORTH AND 1470 FEET EAST FROM SW CORNER OF DLC 60
6 S	2 W	WM	9	NW SE	60	PERMIT G-5915 WELL (ORIGINAL) (MARI 3890) - 2040 FEET NORTH AND 140 FEET EAST FROM SW CORNER, HARPOOL DLC 60
6 S	2 W	WM	9	SE SE	60	PERMIT G-2020 WELL (ADDITIONAL) (MARI 3905) - 340 FEET SOUTH AND 70 FEET WEST FROM THE SW CORNER OF DLC 97

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	2 W	WM	9	SW NE	2		0.80
6 S	2 W	WM	9	SW NE		60	6.60
6 S	2 W	WM	9	SE NW			0.70
6 S	2 W	WM	9	NE SW			2.18
6 S	2 W	WM	9	NW SE	3		1.40
6 S	2 W	WM	9	NW SE		60	16.00
Total							27.68

15. Transfer Application T-12078 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approximate distance (feet) from Authorized Wells		
							MARI 3898	MARI 3890	MARI 3905
6 S	2 W	WM	10	SE NW	97	WELL (MARI 3908) - 2120 FEET NORTH AND 230 FEET WEST FROM THE MOST SOUTHERLY SE CORNER OF DLC 97	3180	4620	3210
6 S	2 W	WM	10	SW SE		WELL (MARI 3926) - 1150 FEET NORTH AND 1580 FEET WEST FROM THE SE CORNER OF SECTION 10	5500	6230	3740
6 S	2 W	WM	10	SE SW	60	WELL - 360 FEET SOUTH AND 20 FEET WEST FROM THE SOUTHERLY SE CORNER OF DLC 97	4425	4900	2335

Transfer Review Criteria (OAR 690-380-4010)

16. 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.
17. Pumps, pipelines, and sprinkler systems 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-12078.
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.

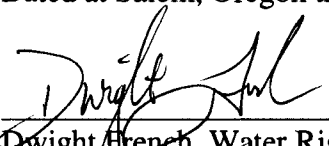
Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-12078 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-12078 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 89260, 57082, 87080, 89431, 89432, and 89433, and any related decree.
3. Water right Certificates 89260, 57082, 87080, 89431, 89432, and 89433 are cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original point(s) of appropriation.
5. 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 meter(s) or measuring device(s) in good working order.
 - c. The water user shall allow the Watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 26 day of April, 2016.



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

Mailing date: _____
MAY 03 2016