

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-9799,    )     CHANGE IN PLACE OF USE AND  
Marion County                                        )     CHARACTER OF USE OF WATER

**Applicant**

Kraemer Farms  
13318 Dominic Road  
Mt. Angel, OR 97362

**Findings of Fact**

1. On October 1, 2004, Kraemer Farms filed a transfer application to change the place of use and character of use of a portion of the right under Certificate 81308. The Department assigned the application number T-9799.
2. April 25, 2005 Ray Stafford submitted a letter on behalf of Kraemer Farms, requesting that the season of industrial use be extended to year round, the rate adjusted to 0.08 cfs (35.9 gpm), and the duty not to exceed 32.25 acre-feet (10,509,000 gallons) per year.
3. The portion of the right to be transferred is as follows:

**Certificate:** 81308, in the name of KRAEMER FARMS (perfected under Permit G-6669)  
**Use:** IRRIGATION  
**Priority Date:** SEPTEMBER 18, 1974  
**Quantity:** 0.16 CUBIC FOOT PER SECOND during the irrigation season (March 1-October 31)  
**Rate/Duty:** 1/80th cfs per acre, not to exceed 2.5 acre-feet per acre per year (total 32.25 AF)  
**Acres:** 12.9  
**Source:** FIVE WELLS in the ZOLLNER CREEK Basin

**Authorized Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
6	S	1	W	W.M.	3	NE	NE	460 FEET S. & 940 FEET W. FROM THE NE CORNER SECTION 3 (KRAEMER ORIGINAL WELL)

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either 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.

Township		Range		Meridian	Sec	¼ ¼		Survey Coordinates
6	S	1	W	W.M.	2	SW	NW	1990 FEET S. & 90 FEET E. FROM THE NW CORNER SECTION 2 (RODY WELL)
6	S	1	W	W.M.	3	NW	NE	1200 FEET S. & 550 FEET E. FROM THE N ¼ CORNER SECTION 3 (KRAEMER WELL #2)
6	S	1	W	W.M.	3	SW	NW	1730 FEET S. & 270 FEET E. FROM THE NW CORNER SECTION 3 (NORB WELL)
6	S	1	W	W.M.	4	NE	NE	50 FEET S. & 340 FEET W. FROM THE NE CORNER SECTION 4 (ESCH WELL)

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼		Acres
6	S	1	W	W.M.	3	NE	NE	12.9

4. Application T-9799 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼		Acres
6	S	1	W	W.M.	3	NW	SW	N/A

5. Application T-9799 proposes to change the character of use to INDUSTRIAL.
6. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
7. Evidence has been submitted that water has been used within the last five years according to the terms and conditions of the right. The confirming certificate was issued within the last five years and, therefore, a five-year period of non-use could not have occurred. No evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
9. Kraemer Well #2 accesses the Columbia Basalt aquifer, a groundwater source which acts as storage (a groundwater reservoir). Therefore, extending the season of use to year-round at a decreased pumping rate would not adversely impact other surface and groundwater rights.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. The applicants have submitted an affidavit requesting a partial diminution of the portion of the water right involved in T-9799, to relinquish the right to use four (Esch, Original Well, Norb and Rody) of the authorized points of appropriation, and to retain the use of only the Kraemer Well #2 for the resulting right.

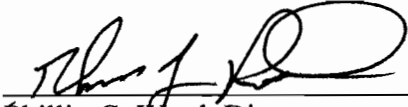
**Conclusions of Law**

The changes in place of use and character of use and season of use proposed in application T-9799 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 changes in place of use and character of use proposed in application T-9799 are approved.
2. Water right certificate 81308 is cancelled. A new certificate will be issued describing that portion of the right not involved in this transfer.
3. The right to use the Esch, Original Well, Norb and Rody Wells is cancelled for the transferred portion of the right, and the resulting industrial right may be exercised only from the Kraemer Well #2.
4. The right to 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 81308, with the exception that the use may be exercised year round at a maximum flow rate of 0.08 cfs (35.9 gpm) provided the total annual volume of water for industrial use does not exceed 32.25 acre-feet (10,509,000 gallons).
5. The proposed change shall be completed on or before October 1, 2007.
6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2008.
7. The former place of use shall no longer be irrigated as part of this water right.
8. Prior to diverting water under this right, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 15<sup>th</sup> day of July, 2005.

  
Phillip C. Ward, Director

Mailing date: JUL 20 2005