

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-13201, Marion County	)	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**

HAZENBERG DAIRY  
ATTN: BRAD HAZENBERG  
5828 CHAMPOEG RD NE  
ST PAUL, OR 97137

**Findings of Fact**

1. On June 7, 2019, HAZENBERG DAIRY, ATTN: BRAD HAZENBERG, filed an application for an additional point of appropriation under Certificate 89298. The Department assigned the application number T-13201.
2. Notice of the application for transfer was published on June 18, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On March 22, 2022, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13201 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 22, 2022, 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.

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.
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4. On May 25, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13201 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on May 31, 2022, and in the Statesman Journal newspaper on May 27, and June 3, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The right to be transferred is as follows:

**Certificate:** 89298 in the name of HAZENBERG DAIRY (perfected under Permit G-13343)  
**Use:** IRRIGATION of 265.2 ACRES, SUPPLEMENTAL IRRIGATION of 78.3 ACRES  
**Priority Date:** JANUARY 13, 1997  
**Rate:** 3.56 CUBIC FEET PER SECOND (CFS) BEING 3.32 CFS FOR IRRIGATION AND 0.98 CFS FOR SUPPLEMENTAL IRRIGATION  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** MARCH 1 THROUGH OCTOBER 31

**Source:** THREE WELLS in the WILLAMETTE RIVER BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	4	NW NW	39	WELL #1 (MARI 1072) - 1070 FEET SOUTH AND 520 FEET EAST FROM THE NW CORNER OF SECTION 4
4 S	2 W	WM	5	SE SE	38	WELL #2 (MARI 1072) - 660 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER OF SECTION 5
4 S	2 W	WM	9	NW NW	38	WELL #3 (MARI 50581) - 330 FEET SOUTH AND 1200 FEET EAST FROM THE SE CORNER OF SECTION 5

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 W	WM	32	NE SE	65	11.5
3 S	2 W	WM	32	SW SE	65	0.2
3 S	2 W	WM	32	SE SE	65	16.1
3 S	2 W	WM	33	NW SW	65	9.6
3 S	2 W	WM	33	SW SW	65	5.1
4 S	2 W	WM	4	SW SW	38	7.8
4 S	2 W	WM	5	NE NE	39	16.4
4 S	2 W	WM	5	NW NE	39	1.9
4 S	2 W	WM	5	SW NE	39	12.8
4 S	2 W	WM	5	SE NE	39	38.9
4 S	2 W	WM	5	NE SE	39	30.3
4 S	2 W	WM	5	NE SE	38	3.4

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
4 S	2 W	WM	5	NW SE	39	10.7
4 S	2 W	WM	5	NW SE	38	2.9
4 S	2 W	WM	5	SW SE	38	13.4
4 S	2 W	WM	5	SE SE	39	4.7
4 S	2 W	WM	5	SE SE	38	35.1
4 S	2 W	WM	8	NE NE	38	26.6
4 S	2 W	WM	9	NW NW	38	17.8
Total						265.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
3 S	2 W	WM	32	SW NE	65	14.0
3 S	2 W	WM	32	SE NE	65	1.9
3 S	2 W	WM	32	NE SE	65	19.9
3 S	2 W	WM	32	NW SE	65	18.6
3 S	2 W	WM	32	SE SE	65	7.1
3 S	2 W	WM	33	SW SW	65	15.9
4 S	2 W	WM	4	NW NW	40	0.9
Total						78.3

6. Transfer Application T-13201 proposes an additional point of appropriation approximately 0.8 to 0.1 mile from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	9	NW NW	38	WELL # 4 - 170 FEET SOUTH AND 870 FEET EAST FROM THE NW CORNER OF SECTION 9

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

7. Water has been used within the last five years prior to submittal of Transfer Application T-13201 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.
8. 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-13201.
9. The proposed change would not result in injury to other water rights.
10. The proposed change would not result in enlargement of the right.
11. All other application requirements are met.

**Conclusions of Law**

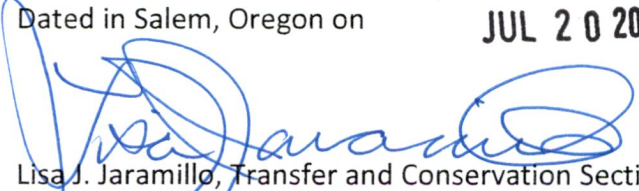
The additional point of appropriation proposed in Transfer Application T-13201 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

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

1. The additional point of appropriation proposed in Transfer Application T-13201 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 89298 and any related decree.
3. Water right Certificate 89298 is cancelled.
4. The quantity of water diverted at the additional point of appropriation (Well #4), together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**JUL 20 2022**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date:                      **JUL 21 2022**