

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-11897, Polk County)	ADDITIONAL POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statute (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 Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

WIGRICH FARM INC.
5835 WIGRICH RD
INDEPENDENCE, OR 97351

Findings of Fact

1. On September 29, 2014, WIGRICH FARM, INC. filed an application for an additional point of appropriation under Certificate 60033. The Department assigned the application number T-11897.
2. Notice of the application for transfer was published on October 7, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The Department determined that the application was incomplete and Evidence of Use supporting documents were needed to proceed with the transfer.
4. On June 10, 2015 the applicant provided sufficient Evidence of Use documentation.
5. On June 29, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11897 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 29, 2015, 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.

6. On November 3, 2015, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11897 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 November 10, 2015, and in the Itemizer-Observer newspaper on November 11 and 18, 2015, 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: 60033 in the name of WIGRICH FARM INC. (perfected under Permit G-8216)

Use: IRRIGATING 201.6 ACRES

Priority Date: JUNE 9, 1978

Rate: 2.52 CUBIC FEET PER SECOND (CFS); BEING 0.16 CFS FROM WELL 2, 0.25 CFS FROM WELL 4, AND 2.11 CFS FROM WELL 5

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. The right shall conform to such reasonable rotation systems as may be ordered by the proper state officer.

Source: WELLS 2, 4, AND 5 within the WILLAMETTE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	2	NW SE		WELL 5 - 2160 FEET NORTH AND 1500 FEET WEST FROM THE SE CORNER OF SECTION 2
9 S	4 W	WM	2	SW SE		WELL 4 - 1160 FEET NORTH AND 1500 FEET WEST FROM THE SE CORNER OF SECTION 2
9 S	4 W	WM	10	SE NE	41	WELL 2 - 1660 FEET SOUTH AND 230 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION								
WELL	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
2	9 S	4 W	WM	11	NE NW		41	1.6
2	9 S	4 W	WM	11	NW NW		41	11.2
4	9 S	4 W	WM	2	SE SW		41	6.9
4	9 S	4 W	WM	2	SE SW	7		13.1
5	9 S	4 W	WM	2	NE NE	3		35.2
5	9 S	4 W	WM	2	NW NE	2		11.2
5	9 S	4 W	WM	2	SW NE			35.7
5	9 S	4 W	WM	2	SE NE			13.8
5	9 S	4 W	WM	2	NE NW	1		2.0
5	9 S	4 W	WM	2	SE NW	5		8.9
5	9 S	4 W	WM	2	NE SW	6		17.8
5	9 S	4 W	WM	2	SE SW	7		3.50

IRRIGATION								
WELL	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5	9 S	4 W	WM	2	NE SE			0.2
5	9 S	4 W	WM	2	NW SE			34.7
5	9 S	4 W	WM	2	SW SE			5.8

8. Transfer Application T-11897 proposes an additional point of appropriation:

						Approximate distance to existing points of appropriation (miles)		
Twp	Rng	Mer	Sec	Q-Q	Measured Distances	WELL 2	WELL 4	WELL 5
9 S	4 W	WM	2	NW SE	WELL SHF - 2650 FEET NORTH AND 1540 FEET WEST FROM THE SE CORNER OF SECTION 2	1.1	0.3	0.1

Transfer Review Criteria (OAR 690-380-4010)

9. 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.
10. 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-11897.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

Conclusion of Law

The additional point of appropriation proposed in Transfer Application T-11897 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-11897 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 60033 and any related decree.
3. Water right Certificate 60033 is cancelled.
4. The quantity of water diverted at the additional point of appropriation, 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, 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.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 22 day of December, 2015.



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

Mailing date: DEC 23 2015