

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11984, Marion County	)	ADDITIONAL POINTS 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**

WOODBURN ORGANIC FARMS LLC  
3555 TIMMONS LANE SUITE 800  
HOUSTON, TX 77027

**Findings of Fact**

1. On February 20, 2015, WOODBURN ORGANIC FARMS, LLC filed an application for additional points of appropriation under Certificates 47188 and 50613. The Department assigned the application number T-11984.
2. Notice of the application for transfer was published on March 3, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 22, 2015, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11984 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of August 22, 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.
4. On August 17, 2015, the Department issued a Preliminary Determination proposing to approve Transfer T-11984 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 August 18, 2015, and in the Woodburn Independent newspaper on August 26 and September 2, 2015, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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.

5. The first right to be transferred is as follows:

**Certificate:** 47188 in the name of PAUL J. SERRES (perfected under Permit G-5720)  
**Use:** IRRIGATION of 61.1 ACRES  
**Priority Date:** MARCH 19, 1973  
**Rate:** 0.76 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:** HERMLE WELL, a tributary of PUDDING RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	16	NW SW	54	HERMLE WELL (MARI 1762) WELL 1 - 1360 FEET NORTH AND 20 FEET EAST FROM THE SW CORNER OF SECTION 16

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	16	NW SW	54	1.8
5 S	1 W	WM	16	SW SW	54	30.8
5 S	1 W	WM	17	NE SE	54	2.0
5 S	1 W	WM	17	NW SE	54	0.2
5 S	1 W	WM	17	SW SE	54	1.3
5 S	1 W	WM	17	SE SE	54	25.0
Total						61.1

6. Transfer Application T-11984 proposes an additional point of appropriation approximately 0.4 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	17	SW NE	42	WELL 2 (MARI 1813) - 120 FEET NORTH AND 1120 FEET EAST FROM THE NW CORNER OF FITZGERALD DLC 54

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

**Certificate:** 50613 in the name of PAUL J. SERRES (perfected under Permit G-5297)  
**Use:** IRRIGATION of 85.2 ACRES and SUPPLEMENTAL IRRIGATION OF 52.0 ACRES  
**Priority Date:** NOVEMBER 13, 1970  
**Rate:** 1.67 CUBIC FEET 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, a tributary of PUDDING RIVER BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	17	SW NE	42	WELL 2 (MARI 1813)- 120 FEET NORTH AND 1120 FEET EAST FROM THE NW CORNER OF FITZGERALD DLC 54

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	17	SW NE	42	28.5
5 S	1 W	WM	17	SE NE	42	24.6
5 S	1 W	WM	17	SE NW	42	3.2
5 S	1 W	WM	17	NE SW	42	0.4
5 S	1 W	WM	17	NE SE	42	0.9
5 S	1 W	WM	17	NE SE	54	3.1
5 S	1 W	WM	17	NW SE	42	1.0
5 S	1 W	WM	17	NW SE	54	22.3
5 S	1 W	WM	17	SW SE	54	1.2
Total						85.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	16	NE SW	54	0.2
5 S	1 W	WM	16	NW SW	54	26.8
5 S	1 W	WM	17	NE SE	54	23.9
5 S	1 W	WM	17	NW SE	54	1.1
Total						52.0

8. Transfer Application T-11984 proposes an additional point of appropriation approximately 0.4 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	16	NW SW	54	WELL 1 (MARI 1762) - 1360 FEET NORTH AND 20 FEET EAST FROM THE SW CORNER OF SECTION 16

**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 rights. There is no information in the record that would demonstrate that the rights are 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 rights were present within the five-year period prior to submittal of Transfer Application T-11984.
11. The proposed change would not result in enlargement of the rights.

12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

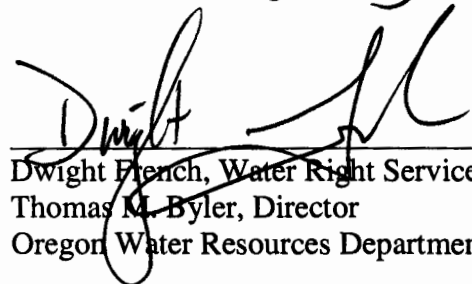
### Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-11984 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-11984 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 47188 and 50613 and any related decree.
3. Water right Certificates 47188 and 50613 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 points 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, 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 changes and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 5 day of October, 2015.

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

Mailing date: OCT 06 2015