



**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
5	S	1	W	W.M.	22	SW SW	Lichte Well #1: 1600' S and 1300' W from the NE Corner of the NW¼ SW¼ of Section 22

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
5	S	1	W	W.M.	21	SE SE	17.2
5	S	1	W	W.M.	22	SW SW	18.1

3. Application T-6992 proposes to add 3 authorized points of appropriation approximately ¼ mile from the existing point of appropriation in the Pudding River basin to:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
5	S	1	W	W.M.	21	SE SE	Fessler Well #1: 630' N and 1000' W from the SW corner of Section 22
5	S	1	W	W.M.	22	SW SW	Fessler Well #2: 550' N and 1290' E from the SW corner of Section 22
5	S	1	W	W.M.	22	SW SW	Fessler Well #3: 40' N and 440' E from the SW corner of Section 22

4. Application T-6992 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
5	S	1	W	W.M.	21	SE SE	19.0
5	S	1	W	W.M.	22	SW SW	16.3

5. September 20, 2004 Fessler Family Farms submitted a notarized affidavit authorizing cancellation of 1.9 acres in the SW¼ SW¼ of Section 22, T5S, R1W, W.M. under the right evidenced by Certificate 44869. The quantity of water allowed for irrigation of 1.9 acres is 0.02 cfs, therefore the diversion allowed under the right will be reduced by 0.02 cfs.

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

**Certificate:** 76995 in the name of Woodburn Ornamentals, Inc. (perfected under Permit G-6337)

**Use:** Irrigation

**Priority Date:** December 23, 1975

**Quantity:** 0.42 cfs

**Rate/Duty:** 1/80 cfs per acre, not to exceed 2½ acre-feet per acre

**Acres:** 33.9

**Source:** Fessler Wells #1 and #2 in the Pudding River Basin

**Authorized Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
5	S	1	W	W.M.	21	SE SE	Fessler Well #1: 630' N and 1000' W from the SE Corner of Section 21

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
5	S	1	W	W.M.	22	SW SW	Fessler Well #2: 550' N and 1290' E from the SW Corner of Section 22

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
5	S	1	W	W.M.	21	SE SE	15.7
5	S	1	W	W.M.	22	SW SW	18.2

7. Application T-6992 proposes to add 2 authorized points of appropriation approximately ¼ mile from the existing points of appropriation in the Pudding River basin to:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
5	S	1	W	W.M.	22	SW SW	Fessler Well #3: 40' N and 440' E from the SW corner of Section 22
5	S	1	W	W.M.	22	SW SW	Lichte Well #1: 1040' N and 20' E from the SW corner of Section 22

8. Application T-6992 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
5	S	1	W	W.M.	21	SE SE	15.7
5	S	1	W	W.M.	22	SW SW	18.2

9. September 20, 2004 Fessler Family Farms submitted a notarized affidavit authorizing cancellation of 2.1 acres in the SE¼ SE¼ of Section 21 and 0.8 acre in the SW¼ SW¼ of Section 22, T5S, R1W, W.M. under the right evidenced by Certificate 76995. The quantity of water allowed for irrigation of 2.9 acres is 0.04 cfs, therefore the diversion allowed under the right will be reduced by 0.04 cfs.

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

**Certificate:** 76989 in the name of Robert F. Fessler (perfected under Permit G-10713)  
**Use:** Nursery Use  
**Priority Date:** December 19, 1986  
**Quantity:** 557 gallons per minute  
**Rate/Duty:** Not specified in certificate  
**Acres:** 33.9  
**Source:** Fessler Wells #1 and #2 in the Pudding River Basin

**Authorized Points of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
5	S	1	W	W.M.	21	SE SE	Fessler Well #1: 630' N and 1000' W from the SE Corner of Section 21
5	S	1	W	W.M.	22	SW SW	Fessler Well #2: 550' N and 1290' E from the SW Corner of Section 22

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼	Acres
5	S	1	W	W.M.	21	SE SE	15.7
5	S	1	W	W.M.	22	SW SW	18.2

11. Application T-6992 proposes to add 2 authorized points of appropriation approximately ¼ mile from the existing points of appropriation in the Pudding River basin to:

Township		Range		Meridian	Sec	¼ ¼	Survey Coordinates
5	S	1	W	W.M.	22	SW SW	Fessler Well #3: 40' N and 440' E from the SW corner of Section 22
5	S	1	W	W.M.	22	SW SW	Lichte Well #1: 1040' N and 20' E from the SW corner of Section 22

12. Application T-6992 proposes to change the place of use of the right to:

Township		Range		Meridian	Sec	¼ ¼	Acres
5	S	1	W	W.M.	21	SE SE	15.7
5	S	1	W	W.M.	22	SW SW	18.2

13. September 20, 2004 Fessler Family Farms submitted a notarized affidavit authorizing cancellation of 2.0 acres in the SE¼ SE¼ of Section 21 and 0.6 acre in the SW¼ SW¼ of Section 22, T5S, R1W, W.M. under the right evidenced by Certificate 76989. The quantity of water allowed for irrigation of 2.6 acres is 43 gpm, therefore the diversion allowed under the right will be reduced by 43 gpm.
14. 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.
15. Water has been used within the five years prior to filing of the transfer application according to the terms and conditions of the right, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
17. The proposed change would not result in enlargement of the right.
18. The proposed change would not result in injury to other water rights.

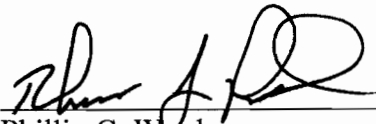
**Conclusions of Law**

The changes in point of appropriation, place of use, and partial cancellation of water rights proposed in application T-6992 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 point of appropriation, place of use and partial cancellation proposed in application T6992 are approved.
2. Water right certificates 44869, 76995 and 76989 are cancelled. A new certificate will be issued describing that portion of the right under Certificate 44869 not transferred nor cancelled by this order.
3. 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 Certificates 44869, 76989 and 76995 and any related decree.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The portions of the rights identified in Findings #5, #9 and #13 above are cancelled.
6. The proposed changes shall be completed on or before October 1, 2006.
7. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
8. 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.
9. When required by the Department, 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.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 6<sup>th</sup> day of JUNE, 2005.

  
Phillip C. Ward  
Director

Mailing date: 6-27-05