

7. On May 25, 2017, the Department emailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12546 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 22, 2017 for the applicant to respond.
8. On May 25, 2017, the Applicant requested that the Department extend the completion date from October 1, 2018 to October 1, 2021. The applicant also requested to proceed with issuance of a Preliminary Determination and provided necessary information to demonstrate that the applicant is authorized to pursue the transfer.
9. On July 5, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12546 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 July 11, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

10. The portion of the first right to be transferred is as follows:

Certificate: 91929 in the names of PAN AMERICAN BERRY GROWERS LLC and NORTHWEST FARM CREDIT SERVICES, FLCA
(perfected under Permit G-13304)

Use: IRRIGATION OF 15.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 144.7 ACRES.

Priority Date: JANUARY 28, 1997

Rate: 0.902 CUBIC FOOT PER SECOND (CFS), BEING 0.187 CFS FOR IRRIGATION OF 15.0 ACRES AND 0.715 CFS FOR SUPPLEMENTAL IRRIGATION (TO MAKE UP A DEFICIENCY IN RATE) OF 144.7 ACRES

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Sources: TWO WELLS, in the LITTLE PUDDING RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	28	NW SW	WELL #1 - 1650 FEET NORTH AND 1250 FEET EAST FROM THE SW CORNER OF SECTION 28
6 S	2 W	WM	28	NW SW	WELL #2 - 2157 FEET NORTH AND 1245 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	28	NW SW	15.0

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	28	SE NW	19.2
6 S	2 W	WM	28	NE SW	39.7
6 S	2 W	WM	28	NW SW	10.4
6 S	2 W	WM	28	SW SW	35.4
6 S	2 W	WM	28	SE SW	40.0
TOTAL					144.7

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

Certificate: 91930 in the name of PAN AMERICAN BERRY GROWERS, LLC
(perfected under Permit G-55)

Use: IRRIGATION OF 4.8 ACRES

Priority Date: SEPTEMBER 30, 1955

Rate: 0.06 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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.

Sources: TWO WELLS, within the LITTLE PUDDING RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	28	NW SW	WELL 1 - 1650 FEET NORTH AND 1250 FEET EAST FROM THE SW CORNER OF SECTION 28
6 S	2 W	WM	28	NW SW	WELL 2 - 2157 FEET NORTH AND 1245 FEET EAST FROM THE SW CORNER OF SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	33	NW NW	4.8

12. The portion of the third right to be transferred is as follows:

Certificate: 91931 in the name of PAN AMERICAN BERRY GROWERS, LLC
(perfected under Permit G-163)

Use: IRRIGATION of 144.7 ACRES

Priority Date: MARCH 9, 1956

Rate: 1.09 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Sources: TWO WELLS, within the LITTLE PUDDING RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	2 W	WM	28	NW SW	WELL 1 (ORIGINAL) – 1650 FEET NORTH AND 1250 FEET EAST FROM THE SW CORNER OF SECTION 28
6 S	2 W	WM	28	NW SW	WELL 2 (ADDITIONAL) – 2157 FEET NORTH AND 1245 FEET EAST FROM SW CORNER OR SECTION 28

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	2 W	WM	28	SE NW	19.2
6 S	2 W	WM	28	NE SW	39.7
6 S	2 W	WM	28	NW SW	10.4
6 S	2 W	WM	28	SW SW	3.0
6 S	2 W	WM	28	SW SW	35.4
6 S	2 W	WM	28	SE SW	40.0
TOTAL					144.7

13. Transfer Application T-12546 proposes an additional point of appropriation, for all the rights as described above, located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distance	Distance from original well locations measured in feet (ft)	
						Well #1	Well #2
6 S	2 W	WM	28	NW SW	WELL 3 - 1650 FEET NORTH AND 75 FEET EAST FROM THE SW CORNER OF SECTION 28	1175	1170

Transfer Review Criteria (OAR 690-380-4010)

14. 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.
15. 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-12546.
16. The proposed change would not result in enlargement of the rights.
17. The proposed change would not result in injury to other water rights.

18. All other application requirements are met.

Conclusions of Law

The additional point of appropriation proposed in Transfer Application T-12546 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-12546 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 Certificates 91929, 91930, and 91931 and any related decree.
3. Water right Certificates 91929, 91930, and 91931 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
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 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, 2021**. 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 14 day of August, 2017.



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

Mailing date: **AUG 23 2017**