



5. On June 1, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13348 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 June 7, 2022, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
6. On June 24, 2022, the Department received an amended application page signed by the applicant, allowing the name on Transfer Application T-13348 to be updated to T AND K SESTER FAMILY LLC.

7. The right to be transferred is as follows:

**Certificate:** 94408 in the name of T AND K LLC (perfected under Permit G-1645)

**Use:** IRRIGATION of 47.0 ACRES

**Priority Date:** JULY 20, 1960

**Rate:** 0.37 CUBIC FOOT PER SECOND (CFS), FURTHER LIMITED TO 0.33 CFS FROM WELL 1 AND 0.27 CFS FROM WELL 2, NOT TO EXCEED 0.37 CFS IN ANY COMBINATION FROM THE TWO WELLS

**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 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.

**Source:** TWO WELLS, a tributary of DEEP CREEK (CLACKAMAS RIVER)

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	10	NE NE	WELL 1 - 400 FEET SOUTH AND 613 FEET WEST FROM THE NE CORNER OF SECTION 10
2 S	3 E	WM	10	NE NE	WELL 2 - 448 FEET SOUTH AND 87 FEET WEST FROM THE NE CORNER OF SECTION 10

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	3 E	WM	10	NE NE	10.9
2 S	3 E	WM	10	SE NE	36.1
Total					47.0

8. Transfer Application T-13348 proposes additional points of appropriation with approximate distance from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distances from Existing Points of Appropriation
2 S	3 E	WM	10	NE NE	WELL 3 - 450 FEET SOUTH AND 45 FEET WEST FROM THE NE CORNER OF SECTION 10	WELL 1 - 566 FEET WELL 2 - 56 FEET

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distances from Existing Points of Appropriation
2 S	3 E	WM	10	NE NE	WELL 4 - 505 FEET SOUTH AND 635 FEET WEST FROM THE NE CORNER OF SECTION 10	WELL 1 - 107 FEET WELL 2 - 553 FEET
2 S	3 E	WM	10	NE NE	WELL 5 - 1500 FEET SOUTH AND 200 FEET WEST FROM THE NE CORNER OF SECTION 10	WELL 1 - 1173 FEET WELL 2 - 1057 FEET

9. The Department's Groundwater Section requires the following condition in order to ensure that the additional point of appropriation (Well 5) proposed under Transfer Application T-13348 develops the same source:

The proposed construction of APOA Well 5, yet to be drilled, would leave the open interval much larger than the existing wells here, extending from 70-250' below land surface. In order to produce from the upper portions of the Springwater, proposed APOA well 5 shall be constructed to have an open interval extending no deeper than 200' below land surface.

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

10. 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.
11. 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-13348.
12. The proposed change as conditioned would not result in enlargement of the right.
13. The proposed change would not result in injury to other water right.
14. All other application requirements are met.

**Determination and Proposed Action**

The additional points of appropriation proposed in Transfer Application T-13348 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

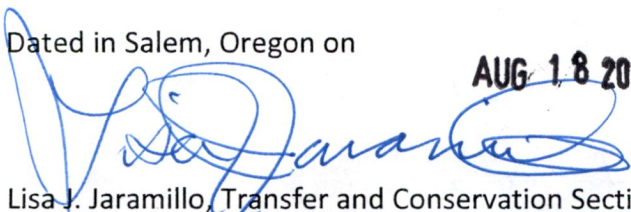
**Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed in Transfer Application T-13348 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 94408 and any related decree.
3. Water right Certificate 94408 is cancelled.

4. The quantity of water diverted at the proposed additional points of appropriation (WELL 3, WELL 4, and WELL 5), together with that diverted at the original points of appropriation (WELL 1 and WELL 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (WELL 1 and WELL 2).
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. Prior to water use from proposed APOA Well 5, the well shall be constructed to have an open interval extending no deeper than 200' below land surface.
8. 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.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

**AUG 18 2022**

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

Mailing date:     **AUG 19 2022**