

4. On April 12, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14163 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 April 16, 2024, and in the Woodburn Independent newspaper on April 24, 2024, and May 1, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The right to be transferred is as follows:

Certificate: 96771 in the name of JACK R. BIGEJ (perfected under Permit G-12926)
Use: AGRICULTURE USE (NURSERY USE) AND IRRIGATION OF 12.7 ACRES
Priority Date: NOVEMBER 20, 1995
Rate: NOT TO EXCEED 0.52 CUBIC FOOT PER SECOND (CFS), BEING 0.27 CFS FROM WELL 1 AND 0.25 CFS FROM WELL 3
Limit/Duty: The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet, per acre, per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND YEAR ROUND FOR AGRICULTURAL USE
Source: TWO WELLS within the PUDDING RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
5 S	1 W	WM	1	SW SW	4	WELL 1 (NEW) - 1120 FEET NORTH AND 585 FEET EAST FROM THE SW CORNER OF SECTION 1
5 S	1 W	WM	1	SW SW	4	WELL 3 (NEW) - 835 FEET NORTH AND 895 FEET EAST FROM THE SW CORNER OF SECTION 1

Authorized Place of Use:

AGRICULTURE USE					
Twp	Rng	Mer	Sec	Q-Q	GLot
5 S	1 W	WM	1	NW SW	
5 S	1 W	WM	1	SW SW	4

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	1 W	WM	1	NW SW		2.8
5 S	1 W	WM	1	SW SW	4	9.9
Total						12.7

6. Transfer Application T-14163 proposes an additional point of appropriation with approximate distances from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approx. distance from existing wells in miles (mi.)
5 S	1 W	WM	2	SE SE	7	WELL 4 – 190 FEET NORTH AND 700 FEET WEST FROM THE SE CORNER OF SECTION 2	WELL 1 (NEW) – 0.31 mi. WELL 3 (NEW) – 0.32 mi.

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

7. 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.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14163.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed point of appropriation develops groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other existing water rights.
13. All other application requirements are met.

Conclusion of Law

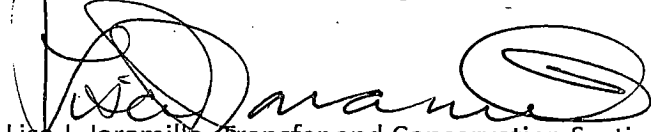
The additional point of appropriation proposed in Transfer Application T-14163 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed in Transfer Application T-14163 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 96771 and any related decree.
3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation.
4. Water right Certificate 96771 is cancelled.

5. The quantity of water diverted at the new additional point of appropriation (WELL 4) together with that diverted at the original points of appropriation (WELL 1 (NEW) and WELL 3 (NEW)), shall not exceed the quantity of water lawfully available at the original point(s) of appropriation (WELL 1 (NEW) and WELL 3 (NEW)).
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. 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 (new and existing).
 - 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.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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 **JUN 14 2024**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing date **JUN 17 2024**