

4. On August 14, 2017, the Department issued a Preliminary Determination proposing to approve Transfer T-12446 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 22, 2017, and in the Woodburn Independent newspaper on August 23 & 30, 2017 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

Certificate: 91546 in the name of HESSEL BIERMA
(perfected under Permit G-5164)

Use: IRRIGATION of 150.9 ACRES

Priority Date: MAY 25, 1973

Rate: 0.5 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: A WELL, a tributary to BUTTE CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	19	NW NE	WELL 1 - 570 FEET SOUTH AND 2420 FEET WEST FROM THE NE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	18	SE SW	0.3
5 S	1 E	WM	18	SW SE	19.7
5 S	1 E	WM	18	SE SE	19.0
5 S	1 E	WM	19	NE NE	39.0
5 S	1 E	WM	19	NW NE	32.9
5 S	1 E	WM	20	SW NW	40.0
TOTAL					150.9

8. Transfer Application T-12446 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
5 S	1 E	WM	18	SW SE	WELL 3 - 630 FEET NORTH AND 2460 FEET WEST FROM THE SE CORNER OF SECTION 18	1200
5 S	1 E	WM	18	SE SE	WELL 4 - 630 FEET NORTH AND 1180 FEET WEST FROM THE SE CORNER OF SECTION 18	1700
5 S	1 E	WM	19	NE NE	WELL 2 - 530 FEET SOUTH AND 670 FEET WEST FROM THE NE CORNER OF SECTION 19	1700
5 S	1 E	WM	19	NW NE	WELL 6 - 60 FEET SOUTH AND 2510 FEET WEST FROM THE NE CORNER OF SECTION 19	1000
5 S	1 E	WM	19	NE NW	WELL 5 - 65 FEET SOUTH AND 3435 FEET WEST FROM THE NE CORNER OF SECTION 19	1200

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

Certificate: 91548 in the name of HESSEL BIERMA
(perfected under Permit G-6711)

Use: SUPPLEMENTAL IRRIGATION of 170.1 ACRES

Priority Date: MARCH 1, 1976

Rate: 0.54 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELL NO. 2, a tributary of ROCK CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	19	NE NE	WELL 2 - 530 FEET SOUTH AND 670 FEET WEST FROM THE NE CORNER OF SECTION 19

6. Transfer Application T-12446 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
5 S	1 E	WM	18	SW SE	WELL 3 - 630 FEET NORTH AND 2460 FEET WEST FROM THE SE CORNER OF SECTION 18	1200 ft
5 S	1 E	WM	18	SE SE	WELL 4 - 630 FEET NORTH AND 1180 FEET WEST FROM THE SE CORNER OF SECTION 18	1700 ft
5 S	1 E	WM	19	NE NE	WELL 2 - 530 FEET SOUTH AND 670 FEET WEST FROM THE NE CORNER OF SECTION 19	1700 ft
5 S	1 E	WM	19	NW NE	WELL 6 - 60 FEET SOUTH AND 2510 FEET WEST FROM THE NE CORNER OF SECTION 19	1000 ft
5 S	1 E	WM	19	NE NW	WELL 5 - 65 FEET SOUTH AND 3435 FEET WEST FROM THE NE CORNER OF SECTION 19	1200 ft

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

Certificate: 91547 in the name of HESSEL BIERMA
(perfected under Permit G-6083)

Use: IRRIGATION of 19.2 ACRES

Priority Date: JANUARY 24, 1975

Rate: 0.24 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, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: A WELL, a tributary to BUTTE CREEK

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	1 E	WM	19	NW NE	WELL 1 - 570 FEET SOUTH AND 2420 FEET WEST FROM THE NE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	19	NE NW	19.2

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 E	WM	18	SE SW	0.3
5 S	1 E	WM	18	SW SE	19.7
5 S	1 E	WM	18	SE SE	19.0
5 S	1 E	WM	19	NE NE	39.0
5 S	1 E	WM	19	NW NE	32.9
5 S	1 E	WM	19	NE NW	19.2
5 S	1 E	WM	20	SW NW	40.0
TOTAL					170.1

10. Transfer Application T-12446 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from original well location measured in feet (ft)
5 S	1 E	WM	18	SW SE	WELL 3 - 630 FEET NORTH AND 2460 FEET WEST FROM THE SE CORNER OF SECTION 18	2100
5 S	1 E	WM	18	SE SE	WELL 4 - 630 FEET NORTH AND 1180 FEET WEST FROM THE SE CORNER OF SECTION 18	1200
5 S	1 E	WM	19	NW NE	WELL 1 - 570 FEET SOUTH AND 2420 FEET WEST FROM THE NE CORNER OF SECTION 19	1700
5 S	1 E	WM	19	NW NE	WELL 6 - 60 FEET SOUTH AND 2510 FEET WEST FROM THE NE CORNER OF SECTION 19	1900
5 S	1 E	WM	19	NE NW	WELL 5 - 65 FEET SOUTH AND 3435 FEET WEST FROM THE NE CORNER OF SECTION 19	2800

Transfer Review Criteria (OAR 690-380-4010)

11. 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.
12. 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-12446.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.
15. All other application requirements are met.

Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-12446, 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-12446 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 Certificates 91546, 91547, 91548 and any related decree.
3. Water right Certificates 91546, 91547, and 91548 are cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point 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, 2019**. 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 9 day of October, 2017.



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

Mailing date: OCT 13 2017