



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

November 3, 2015

WIGRICH FARM INC.
5835 WIGRICH RD
INDEPENDENCE, OR 97351

SUBJECT: Water Right Transfer Application T-11897

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-11897. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication and in the Itemizer Observer newspaper, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the last date of newspaper publication.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me, at Lanaya.F.Blakely@wrd.state.or.us or (503) 986-0888, if I may be of assistance.

Sincerely,

Lanaya Blakely
Transfer Specialist
Transfer and Conservation Section



cc: Transfer Application file T-11897
Joel Plahn, District 16 Watermaster (*via e-mail*)
James M. Schuette, CWRE #117 (*via e-mail*)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-11897, Polk County)	PROPOSING APPROVAL OF AN
)	ADDITIONAL POINT OF
)	APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

WIGRICH FARM INC.
5835 WIGRICH RD
INDEPENDENCE, OR 97351

Findings of Fact

1. On September 29, 2014, WIGRICH FARM, INC. filed an application for an additional point of appropriation under Certificate 60033. The Department assigned the application number T-11897.
2. Notice of the application for transfer was published on October 7, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The Department determined that the application was incomplete and Evidence of Use supporting documents were needed to proceed with the transfer.
4. On June 10, 2015 the applicant provided sufficient Evidence of Use documentation.
5. On June 29, 2015, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11897 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 29, 2015, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

6. The right to be transferred is as follows:

Certificate: 60033 in the name of WIGRICH FARM INC. (perfected under Permit G-8216)

Use: IRRIGATING 201.6 ACRES

Priority Date: JUNE 9, 1978

Rate: 2.52 CUBIC FEET PER SECOND (CFS); BEING 0.16 CFS FROM WELL 2, 0.25 CFS FROM WELL 4, AND 2.11 CFS FROM WELL 5

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. The right shall conform to such reasonable rotation systems as may be ordered by the proper state officer.

Source: WELLS 2, 4, AND 5 within the WILLAMETTE RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	4 W	WM	2	NW SE		WELL 5 - 2160 FEET NORTH AND 1500 FEET WEST FROM THE SE CORNER OF SECTION 2
9 S	4 W	WM	2	SW SE		WELL 4 - 1160 FEET NORTH AND 1500 FEET WEST FROM THE SE CORNER OF SECTION 2
9 S	4 W	WM	10	SE NE	41	WELL 2 - 1660 FEET SOUTH AND 230 FEET WEST FROM THE NE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION								
WELL	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
2	9 S	4 W	WM	11	NE NW		41	1.6
2	9 S	4 W	WM	11	NW NW		41	11.2
4	9 S	4 W	WM	2	SE SW		41	6.9
4	9 S	4 W	WM	2	SE SW	7		13.1
5	9 S	4 W	WM	2	NE NE	3		35.2
5	9 S	4 W	WM	2	NW NE	2		11.2
5	9 S	4 W	WM	2	SW NE			35.7
5	9 S	4 W	WM	2	SE NE			13.8
5	9 S	4 W	WM	2	NE NW	1		2.0
5	9 S	4 W	WM	2	SE NW	5		8.9
5	9 S	4 W	WM	2	NE SW	6		17.8
5	9 S	4 W	WM	2	SE SW	7		3.50
5	9 S	4 W	WM	2	NE SE			0.2
5	9 S	4 W	WM	2	NW SE			34.7
5	9 S	4 W	WM	2	SW SE			5.8

7. Transfer Application T-11897 proposes an additional point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance to existing points of appropriation (miles)		
						WELL 2	WELL 4	WELL 5
9 S	4 W	WM	2	NW SE	WELL SHF - 2650 FEET NORTH AND 1540 FEET WEST FROM THE SE CORNER OF SECTION 2	1.1	0.3	0.1

Transfer Review Criteria (OAR 690-380-4010)

8. 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.
9. 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-11897.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Determination and Proposed Action

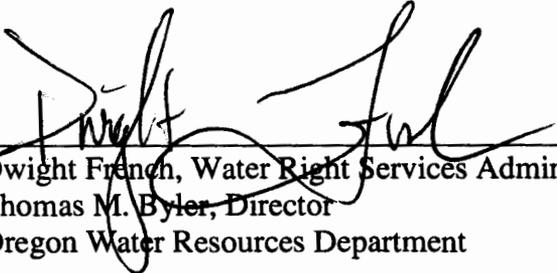
The additional point of appropriation proposed in Transfer Application T-11897 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-11897 is approved, the final order will include the following:

1. *The additional point of appropriation proposed in Transfer Application T-11897 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 60033 and any related decree.*
3. *Water right Certificate 60033 is cancelled.*
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 points of appropriation.*

6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2017**. 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.*
7. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 3 day of November, 2015.


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

This Preliminary Determination was prepared by Lanaya Blakely. If you have question about the information in this document, you may reach me at (503) 986-0888 or Lanaya.F.Blakely@ wrd.state.or.us.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE. Suite A, Salem, OR 97301-1266