

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A
T-12644, Grant County) CHANGE IN PLACE OF USE

Authority

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

Applicant

SILVIES VALLEY RANCH LLC
ATTN: SCOTT CAMPBELL
40000 E COWBOY LN
SENECA, OR 97873
scott.campbell@silviesvalleyranch.com

Findings of Fact

1. On April 17, 2017, SILVIES VALLEY RANCH LLC filed an application to change the place of use under Certificate 44466. The Department assigned the application number T-12644.
2. Notice of the application for transfer was published on April 25, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 13, 2017, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12644 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 14, 2017, 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.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On February 26, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12644 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 February 27, 2017, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The portion of the right to be transferred is as follows:

Certificate: 44466 in the name of CLIFFORD L. WOLFSWINKEL (perfected under Permit S-28501)

Use: SUPPLEMENTAL IRRIGATION of 110.4 ACRES

Priority Date: OCTOBER 25, 1962

Rate: 1.38 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 from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-3196.

Source: HALL CREEK AND BUFFALO LAKE RESERVOIR, tributary to the SILVIES RIVER

Authorized Points of Diversion:

| Twp | Rng | Mer | Sec | Q-Q | Measured Distances |
|------|------|-----|-----|-------|---|
| 18 S | 31 E | WM | 26 | SW NE | CREEK - 2850 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 26 |
| 18 S | 31 E | WM | 26 | SE SE | RESERVOIR - 280 FEET NORTH AND 810 FEET WEST FROM THE SE CORNER OF SECTION 26 |

Authorized Place of Use:

| SUPPLEMENTAL IRRIGATION | | | | | |
|-------------------------|------|-----|-----|-------|-------|
| Twp | Rng | Mer | Sec | Q-Q | Acres |
| 18 S | 31 E | WM | 36 | NE NW | 34.6 |
| 18 S | 31 E | WM | 36 | SE NW | 36.8 |
| 18 S | 31 E | WM | 36 | NE SW | 39.0 |
| Total | | | | | 110.4 |

6. Transfer Application T-12644 proposes to change the place of use of the right to:

| SUPPLEMENTAL IRRIGATION | | | | | | |
|-------------------------|------|-----|-----|-------|------|-------|
| Twp | Rng | Mer | Sec | Q-Q | GLot | Acres |
| 18 S | 31 E | WM | 36 | NW SW | | 1.5 |
| 18 S | 31 E | WM | 36 | SW SW | | 38.0 |
| 18 S | 31 E | WM | 36 | SE SW | | 14.0 |
| 19 S | 31 E | WM | 1 | NE NW | 3 | 30.9 |
| 19 S | 31 E | WM | 1 | NW NW | 4 | 26.0 |
| Total | | | | | | 110.4 |

Transfer Review Criteria [OAR 690-380-4010(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 diversion structure and ditch 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-12644.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Conclusions of Law


The change in place of use proposed in Transfer Application T-12644 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-12644 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 44466 and any related decree.
3. Water right Certificate 44466 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. Water use measurement conditions:
 - a. **Before water use may begin** under this order, the water user shall install measuring devices, at each point of diversion (new and existing).
 - b. The water user shall maintain the measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the measuring devices; provided however, where measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. The former place of use of the transferred right shall no longer receive water under the right.
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 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 day APR 05 2018.



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

Mailing date: APR 10 2018