

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING TEMPORARY
T-14034, Lake County)	CHANGES IN PLACES OF USE AND POINTS
)	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 temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation 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

UNC AND MARTHA, LLC
PO BOX 449
OAKLAND, OR 97462

Findings of Fact

1. On June 15, 2022, UNC AND MARTHA, LLC filed an application to temporarily change the places of use for Certificates 53148, 91281, 91282, 96083, and 96084, and change the points of appropriation to serve the proposed places of use under Certificates 53148 and 91281 for a period of 5 years. The Department assigned the application number T-14034.

2. Notice of the application for transfer was published on June 28, 2022, pursuant to OAR 690-380-4000.

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

Certificate: 53148 in the name of ROBERT L. STOCKHOFF (perfected under Permit G-8874)

Use: IRRIGATION of 67.3 ACRES

Priority Date: OCTOBER 31, 1979

Rate: 0.84 CUBIC FOOT PER SECOND

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	18 E	WM	35	SW SW	WELL 1 - 1250 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NW SW	22.2
24 S	18 E	WM	35	SW SW	33.6
24 S	18 E	WM	35	SE SW	11.5
Total					67.3

4. Temporary Transfer Application T-14034 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NE NW	1.5
24 S	18 E	WM	35	NW SW	26.3
24 S	18 E	WM	35	SW SW	29.4
24 S	18 E	WM	35	SE SW	10.1
Total					67.3

5. A change in point appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14034 proposes to move the authorized point of appropriation approximately 0.5 mile north to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	18 E	WM	35	NW NW	WELL 2 - 1200 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 35

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

Certificate: 91281 in the name of HAROLD A. BROWN (perfected under Permit G-10326)

Use: IRRIGATION of 12.8 ACRES

Priority Date: FEBRUARY 15, 1984

Rate: 0.16 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, is limited to a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL #1 in the PETERS CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	18 E	WM	35	SE SW	WELL 1 - 1250 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NW SW	9.6
24 S	18 E	WM	35	SW SW	0.5
24 S	18 E	WM	35	SE SW	2.7
Total					12.8

7. Temporary Transfer Application T-14034 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	SE NW	12.8

8. A change in point appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14034 proposes to move the authorized point of appropriation approximately 0.5 mile north to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	18 E	WM	35	NW NW	WELL 2 - 1200 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 35

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

Certificate: 91282 in the name of HAROLD A. BROWN (perfected under Permit G-9974)

Use: IRRIGATION of 62.4 ACRES

Priority Date: JUNE 9, 1981

Rate: 0.78 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, is limited to a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: WELL #2 a tributary of PETERS CREEK BASIN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	18 E	WM	35	NW NW	WELL 2 - 1200 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NW NW	31.2
24 S	18 E	WM	35	SW NW	31.2
Total					62.4

10. Temporary Transfer Application T-14034 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NE NW	14.0
24 S	18 E	WM	35	NW NW	30.2
24 S	18 E	WM	35	SW NW	18.2
Total					62.4

11. The fourth right to be transferred is as follows:

Certificate: 96083 in the name of NATHANIEL ROTH (perfected under Permit G-5895)

Use: IRRIGATION of 18.0 ACRES

Priority Date: AUGUST 2, 1973

Rate: 0.22 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, is limited to a diversion of 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL A TRIBUTARY OF FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	18 E	WM	35	NW NW	WELL 2 - 1200 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NE NW	18.0

12. Temporary Transfer Application T-14034 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NE NW	14.4
24 S	18 E	WM	35	SE NW	3.6
Total					18.0

13. The fifth right to be transferred is as follows:

Certificate: 96084 in the name of NATHANIEL ROTH (perfected under Permit G-10235)

Use: IRRIGATION of 19.7 ACRES

Priority Date: SEPTEMBER 15, 1983

Rate: 0.25 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL A TRIBUTARY OF FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
24 S	18 E	WM	35	NW NW	WELL 2 - 1200 FEET SOUTH AND 1250 FEET EAST FROM THE NW CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	NE NW	12.7
24 S	18 E	WM	35	SE NW	7.0
Total					19.7

14. Temporary Transfer Application T-14034 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
24 S	18 E	WM	35	SW NW	8.9
24 S	18 E	WM	35	SE NW	10.8
Total					19.7

Temporary Transfer Review Criteria

15. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
16. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
17. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
18. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

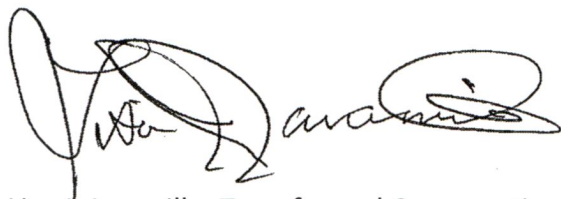
The temporary changes in place of use and points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14034 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in places of use and change in points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14034 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2022, 2023, 2024, 2025 and 2026 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2026 irrigation season. The authorization to use the temporary point of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary points of appropriation shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. A subsequent application for permanent transfer of Certificates 53148, 91281, 91282, 96083, and 96084 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.

7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificates 53148, 91281, 91282, 96083, and 96084.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. 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.
10. The use of the remaining water rights described by Certificates 53148, 91281, 91282, 96083, and 96084 shall continue to be in accordance with the terms and conditions of Certificates 53148, 91281, 91282, 96083, and 96084.

Dated in Salem, Oregon on **MAR 22 2023**

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', written over a horizontal line.

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

Mailing Date: **MAR 23 2023**