

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-11654, Lake County)	TEMPORARY CHANGES IN PLACE
)	OF USE AND POINTS OF
)	APPROPRIATION

Authority

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

J R SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE, ID 83707

Findings of Fact

1. On August 22, 2013, J R SIMPLOT SELF DECLARATION REVOCABLE TRUST filed an application to temporarily change the places of use and change the points of appropriation to serve the proposed places of use under Certificates 88583 and 88584 for a period of five years. The Department assigned the application number T-11654.
2. Notice of the application for transfer was published on August 27, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be transferred is as follows:
Certificate: 88583 in the name of J R SIMPLOT SELF DECLARATION REVOCABLE TRUST (perfected under Permit G-15037)
Use: IRRIGATION OF 98.3 ACRES
Priority Date: MAY 24, 2001
Rate: 1.23 CUBIC FEET PER SECOND (cfs), IN ANY COMBINATION FROM THE FOUR WELLS (WELLS 1, 2, 3, AND 4)
Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cfs (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Sources: FOUR WELLS within the CHEWAUCAN BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	19 E	WM	17	SW NW	WELL 1 - 2600 FEET SOUTH AND 50 FEET EAST FROM THE NW CORNER OF SECTION 17
33 S	19 E	WM	7	NE SE	WELL 2 - 1690 FEET NORTH AND 770 FEET WEST FROM THE SE CORNER OF SECTION 7
33 S	19 E	WM	8	SE NE	WELL 3 - 2048 FEET SOUTH AND 563 FEET WEST FROM THE NE CORNER OF SECTION 8
33 S	19 E	WM	8	NW NW	WELL 4 - 325 FEET SOUTH AND 4704 FEET WEST FROM THE NE CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	19 E	WM	7	NE NE	0.8
33 S	19 E	WM	7	SE NE	1.1
33 S	19 E	WM	8	NE NW	13.4
33 S	19 E	WM	8	NW NW	26.7
33 S	19 E	WM	8	SW NW	35.3
33 S	19 E	WM	8	SE NW	21.0
Total:					98.3

4. Temporary Transfer Application T-11654 proposes to temporarily change the place of use of the right to:

IRRIGATION (WELLS 1, 2, 3, 4)					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	19 E	WM	4	SW SW	0.7
33 S	19 E	WM	5	SW SE	0.8
33 S	19 E	WM	5	SE SE	3.6
33 S	19 E	WM	8	NW NE	2.5
33 S	19 E	WM	8	SW NE	3.5
33 S	19 E	WM	8	SE NE	3.5
33 S	19 E	WM	9	NW NW	3.6
33 S	19 E	WM	9	SW NW	2.5
Total:					20.7

IRRIGATION (WELL 8)					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	19 E	WM	22	NW NE	2.4

IRRIGATION (WELL 9)					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	19 E	WM	15	NW SW	0.9
34 S	19 E	WM	15	SW SW	25.6
34 S	19 E	WM	22	NE NW	0.4
34 S	19 E	WM	22	NW NW	3.0
Total:					29.9

IRRIGATION TO BE TEMPORARILY EXERCISED AS SUPPLEMENTAL IRRIGATION (WELL 8)					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	19 E	WM	15	NE SW	4.5
34 S	19 E	WM	15	NW SW	9.2
34 S	19 E	WM	15	SW SW	10.4
34 S	19 E	WM	15	SE SW	20.8
34 S	19 E	WM	22	NE NW	0.4
Total:					45.3

5. The portion of the second right to be transferred is as follows:

Certificate: 88584 in the name of J R SIMPLOT SELF DECLARATION
REVOCABLE TRUST (perfected under Permit G-13714)

Use: IRRIGATION OF 193.6 ACRES

Priority Date: NOVEMBER 30, 1998

Rate: 2.42 CUBIC FEET PER SECOND (cfs)

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cfs (or its equivalent) and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Sources: WELLS 3 AND 4 within the CHEWANCAN RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	19 E	WM	8	SE NE	WELL 3 - 2048 FEET SOUTH AND 563 FEET WEST FROM THE NE CORNER OF SECTION 8
33 S	19 E	WM	8	NW NW	WELL 4 - 325 FEET SOUTH AND 4704 FEET WEST FROM THE NE CORNER OF SECTION 8

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	19 E	WM	5	NE SW	38.7
33 S	19 E	WM	5	NW SW	14.5
33 S	19 E	WM	5	SW SW	22.1
33 S	19 E	WM	5	SE SW	40.0
33 S	19 E	WM	5	NW SE	23.1
33 S	19 E	WM	5	SW SE	31.8

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	19 E	WM	8	NW NE	4.8
33 S	19 E	WM	8	NE NW	16.1
33 S	19 E	WM	8	NW NW	2.5
Total:					193.6

6. Temporary Transfer Application T-11654 proposes to temporarily change the place of use of the right to:

IRRIGATION (WELL 8)					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	19 E	WM	14	NW SW	5.3
34 S	19 E	WM	14	SW SW	29.5
34 S	19 E	WM	15	SW SE	13.2
34 S	19 E	WM	15	SE SE	35.0
34 S	19 E	WM	22	NE NE	23.5
34 S	19 E	WM	22	NW NE	4.6
34 S	19 E	WM	23	NW NW	7.7
Total:					118.8

IRRIGATION TO BE TEMPORARILY EXERCISED AS SUPPLEMENTAL IRRIGATION (WELL 8)					
Twp	Rng	Mer	Sec	Q-Q	Acres
34 S	19 E	WM	14	NW SW	7.9
34 S	19 E	WM	15	NE SE	32.0
34 S	19 E	WM	15	NW SE	14.1
34 S	19 E	WM	15	SW SE	15.8
34 S	19 E	WM	15	SE SE	5.0
Total:					74.8

7. A 45.3 acre portion of Certificate 88583 and a 74.8 acre portion of Certificate 88584, as described in Finding of Facts #4 and #6, will be exercised as supplemental irrigation to Certificate 2817.
8. A change in points of appropriation is necessary to convey the water to the proposed temporary places of use. Temporary Transfer Application T-11654 proposes to move the authorized points of appropriation between approximately 6.8 and 8.2 miles southeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
34 S	19 E	WM	15	SE SE	WELL 8 - 800 FEET NORTH AND 650 FEET WEST FROM THE SE CORNER OF SECTION 15
34 S	19 E	WM	15	SW SW	WELL 9 - 825 FEET NORTH AND 1080 FEET EAST FROM THE SW CORNER OF SECTION 15

Temporary Transfer Review Criteria

9. 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.

10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would not result in enlargement or 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 change in places of use and points of appropriation to serve the temporary places of use proposed in Temporary Transfer Application T-11654 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 points of appropriation to serve the temporary places of use proposed in Temporary Transfer Application T-11654 are approved.
2. The use of water under this temporary transfer is contingent upon the applicant submitting a permanent transfer application for the water rights and wells involved no later than June 1, 2018. If a permanent transfer application is not received by June 1, 2018, this temporary transfer will no longer be in effect.
3. The former place of use **shall not** be irrigated as part of these water rights during the 2014, 2015, 2016, 2017 and 2018 irrigation seasons.
4. The use shall revert to the authorized place of use on June 1, 2018, if a permanent transfer application (outlined in #2 above) is not received by the Department or at the end of the 2018 irrigation season if the permanent transfer application is received. The authorization to use the temporary points of appropriation shall be terminated concurrently with the place of use.
5. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
6. The subsequent application for permanent transfer of Certificates 88583 and 88584 (due no later than June 1, 2018) shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval Temporary Transfer T-11654 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 88583 and 88584.
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. The use of the remaining water rights described by Certificates 88583 and 88584 shall continue to be in accordance with the terms and conditions of Certificates 88583 and 88584.

Dated at Salem, Oregon this 10 day of April, 2014.



Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 18 2014