

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-12171, Lake County)
)
)
)
)

FINAL ORDER APPROVING
TEMPORARY CHANGES IN
PLACE 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

JRS PROPERTIES III, L.P.
PO BOX 27
BOISE, ID 83707

Findings of Fact

1. On September 28, 2015, JRS Properties III, L.P. filed an application to temporarily change the place of use and change in the points of appropriation to serve the proposed place of use under Certificate 27013, 76043, 48889, 76042, 48890, 65757, 76036, 50758, and 76037 for a period of 5 years. The Department assigned the application number T-12171.
2. Notice of the application for transfer was published on October 6, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On October 22, 2015, the applicant requested the Department amend the application to exclude the Supplemental Irrigation portion of Certificate 76042.
4. The Supplemental Irrigation for Certificate 76042 is removed from this Transfer Application.
5. The portion of the first right to be transferred is as follows:

Certificate: 27013 in the name of ALBERT E. ALBERTSEN (perfected under Permit U-597)
Use: IRRIGATION of 128.8 ACRES
Priority Date: JANUARY 11, 1954
Rate: 1.61 CUBIC FEET 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 a diversion of 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: VAUGHN WELL#1 within the SILVER CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	19	NE NW	VAUGHN WELL #1-1270 FEET NORTH AND 470 FEET WEST FROM THE SE CORNER OF THE NENW OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	18	SW SW	15.6
28 S	16 E	WM	18	SE SW	7.6
28 S	16 E	WM	19	NE NW	35.0
28 S	16 E	WM	19	NW NW	28.4
28 S	16 E	WM	19	SW NW	5.0
28 S	16 E	WM	19	SE NW	37.2
Total					128.8

6. Temporary Transfer Application T-12071 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Govt Lot	Acres
28 S	16 E	WM	13	SE SE		2.5
28 S	16 E	WM	18	NE SW		3.3
28 S	16 E	WM	18	NW SW	3	3.3
28 S	16 E	WM	18	SW SW	4	38.3
28 S	16 E	WM	18	SE SW		25.3
28 S	16 E	WM	19	NW NW	1	18.0
28 S	16 E	WM	19	NE NW		12.6
28 S	16 E	WM	19	SW NW	2	14.2
28 S	16 E	WM	19	SE NW		10.7
28 S	16 E	WM	24	NE NE		0.6
Total						128.8

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

Certificate: 76043 in the name of Z X RANCH (perfected under Permit G-411)

Use: IRRIGATION of 60 ACRES

Priority Date: DECEMBER 7, 1954

Rate: 0.75 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 19 within the SILVER LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW NW	WELL 19- 2627 FEET NORTH AND 3961 FEET WEST FROM THE E1/4 CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	12	SW SW	0.32
28 S	15 E	WM	12	SE SW	0.63
28 S	15 E	WM	13	NE NW	0.18
28 S	15 E	WM	14	NE NE	39.39
28 S	15 E	WM	14	SE NE	19.48
Total					60.00

8. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	12	SW SW	5.30
28 S	15 E	WM	13	NE NW	5.20
28 S	15 E	WM	13	NW NW	39.90
28 S	15 E	WM	13	SW NW	4.60
28 S	15 E	WM	14	NE NE	5.00
Total					60.00

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

Certificate: 48889 in the name of VIEW POINT RANCHES (perfected under Permit G-5755)

Use: IRRIGATION of 136.2 ACRES

Priority Date: APRIL 9, 1973

Rate: 1.7 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, 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: VAUGHN WELL 1 within the SILVER LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	19	NE NW	VAUGHN WELL 1-50 FEET SOUTH AND 2150 FEET EAST FROM THE NW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	SE SE	40.0
28 S	15 E	WM	24	NE NE	40.0
28 S	16 E	WM	18	SW SW	24.4
28 S	16 E	WM	18	SE SW	12.4
28 S	16 E	WM	19	NE NW	5.0
28 S	16 E	WM	19	NW NW	11.6
28 S	16 E	WM	19	SE NW	2.8
Total					136.2

10. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	SW SE	20.8
28 S	15 E	WM	13	SE SE	10.4
28 S	16 E	WM	18	SW SW	0.6
28 S	16 E	WM	18	SE SW	0.3
28 S	16 E	WM	19	NE NW	17.8
28 S	16 E	WM	19	NW NW	19.2
28 S	16 E	WM	19	SW NW	18.7
28 S	16 E	WM	19	SE NW	17.1
28 S	16 E	WM	24	NE NE	10.7
28 S	16 E	WM	24	NW NW	20.3
28 S	16 E	WM	24	SE NE	0.3
Total					136.2

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

Certificate: 76042 in the name of Z X RANCH (perfected under Permit G-6051)

Use: IRRIGATION of 78.19 ACRES

Priority Date: MARCH 5, 1974

Rate: 0.98 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, 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 19 within the SILVER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW NW	WELL 19- 2627 FEET NORTH AND 3961 FEET WEST FROM THE E1/4 CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	11	SE SE	23.25
28 S	15 E	WM	12	SW SW	5.87
28 S	15 E	WM	13	NW NW	8.60
28 S	15 E	WM	13	SW NW	17.81
28 S	15 E	WM	13	SE NW	20.69
28 S	15 E	WM	14	SE NE	1.97
Total					78.19

12. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	11	SE SE	4.30
28 S	15 E	WM	12	SW SW	15.30
28 S	15 E	WM	12	SE SW	4.39
28 S	15 E	WM	13	NE NW	15.40
28 S	15 E	WM	13	SW NW	15.30
28 S	15 E	WM	13	SE NW	4.10
28 S	15 E	WM	14	NW NW	15.40
28 S	15 E	WM	14	SW NW	4.00
Total					78.19

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

Certificate: 48890 in the name of JOHN C./CHARLOTTE C. WEBER; DBA: VIEW POINT RANCHES (perfected under Permit G-6552)

Use: IRRIGATION of 125.0 ACRES

Priority Date: AUGUST 18, 1975

Rate: 1.56 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, 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: VAUGHN VALLEY WELL 1 within the SILVER LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW SE	VAUGHN VALLEY WELL 1- 2640 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	SW NE	31.3
28 S	15 E	WM	13	SE NE	31.2
28 S	15 E	WM	13	NE SE	31.2

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	NW SE	31.3
Total					125.0

14. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	SW NE	29.3
28 S	15 E	WM	13	SE NE	29.3
28 S	15 E	WM	13	NE SE	29.2
28 S	15 E	WM	13	NW SE	29.2
28 S	15 E	WM	13	SE SW	0.7
28 S	15 E	WM	13	SW SE	1.5
28 S	15 E	WM	13	SE SE	1.8
28 S	15 E	WM	24	NE NE	1.8
28 S	15 E	WM	24	NW NE	1.5
28 S	15 E	WM	24	NE NW	0.7
Total					125.0

15. The sixth right to be transferred is as follows:

Certificate: 65757 in the name of Z X RANCH (perfected under Permit G-6772)

Use: IRRIGATION of 115.0 ACRES

Priority Date: APRIL 13, 1976

Rate: 1.44 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, 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 within the SILVER LAKE BASIN

Authorized Point Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW NW	WELL 19-15 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	12	SW SW	30.9
28 S	15 E	WM	12	SE SW	21.8
28 S	15 E	WM	13	NE NW	30.9
28 S	15 E	WM	13	NW NW	31.4
Total					115.0

16. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	11	SE SE	13.6
28 S	15 E	WM	12	SW SW	15.3
28 S	15 E	WM	12	SE SW	13.6
28 S	15 E	WM	13	NE NW	15.3
28 S	15 E	WM	13	SW NW	15.3
28 S	15 E	WM	13	SE NW	13.3
28 S	15 E	WM	14	NE NE	15.3
28 S	15 E	WM	14	SE NE	13.3
Total					115.0

17. The seventh right to be transferred is as follows:

Certificate: 76036 in the name of Z X RANCH (perfected under Permit G-6772)

Use: IRRIGATION of 10.3 ACRES

Priority Date: APRIL 13, 1976

Rate: 0.13 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 19 within the SILVER LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW NW	WELL 19- 2627 FEET NORTH AND 3961 FEET WEST FROM THE E1/4 CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	12	NW SW	0.40
28 S	15 E	WM	12	SW SW	2.44
28 S	15 E	WM	13	NE NW	7.46
Total					10.30

18. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	SW SE	3.0
28 S	15 E	WM	13	SE SE	2.2
28 S	15 E	WM	24	NE NE	2.1
28 S	15 E	WM	24	NW NE	3.0
Total					10.3

19. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12171 proposes to move the authorized point of appropriation approximately 3715 feet southeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW SE	VAUGHN VALLEY WELL #1- 2640 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 13

20. The eighth right to be transferred is as follows:

Certificate: 50758 in the name of ALDER CREEK RANCHES INC. (perfected under Permit G-8123)

Use: IRRIGATION of 134.4 ACRES

Priority Date: APRIL 4, 1978

Rate: 1.68 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, 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: B FIELD WELL within the MURDOCK CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	14	SE SE	B FIELD WELL- 10 FEET NORTH AND 1280 FEET WEST FROM THE SE CORNER OF SECTION 14

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	14	SW SE	33.6
28 S	15 E	WM	14	SE SE	33.6
28 S	15 E	WM	23	NE NE	33.6
28 S	15 E	WM	23	NW NE	33.6
Total					134.4

21. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	NE NE	29.2
28 S	15 E	WM	13	NW NE	29.8
28 S	15 E	WM	13	SE SW	1.1
28 S	15 E	WM	13	SW SE	3.5
28 S	15 E	WM	13	SE SE	3.6
28 S	15 E	WM	14	SW SE	29.6
28 S	15 E	WM	14	SE SE	29.4
28 S	15 E	WM	24	NE NE	3.6
28 S	15 E	WM	24	NW NE	3.5
28 S	15 E	WM	24	NW NW	1.1
Total					134.4

22. A change in point of appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12171 proposes to move the authorized point of appropriation approximately 1.1 miles southeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW SE	VAUGHN VALLEY WELL #1- 2640 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 13

23. The ninth right to be transferred is as follows:

Certificate: 76037 in the name of Z X RANCH (perfected under Permit G-8988)

Use: IRRIGATION of 20.2 ACRES

Priority Date: JUNE 3, 1980

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, 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 19 within the SILVER LAKE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW NW	WELL 19- 2627 FEET NORTH AND 3961 FEET WEST FROM THE E1/4 CORNER OF SECTION 13

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	SW NW	20.2

24. Temporary Transfer Application T-12171 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	15 E	WM	13	SE SW	0.3
28 S	15 E	WM	13	SW SE	5.5
28 S	15 E	WM	13	SE SE	4.3
28 S	15 E	WM	24	NE NE	4.3
28 S	15 E	WM	24	NW NE	5.5
28 S	15 E	WM	24	NE NW	0.3
Total					20.2

25. A change in point appropriation is necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-12171 proposes to move the authorized point of appropriation approximately 3715 feet southeast to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	15 E	WM	13	NW SE	VAUGHN VALLEY WELL #1-2640 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 13

26. Temporary Transfer Application T-12171 proposes to temporarily transfer water rights within the boundaries of Silver Lake Irrigation District. The district was notified of the proposed temporary transfer and did not provide any comments.

Temporary Transfer Review Criteria

27. 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.
28. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
29. The proposed changes would not result in enlargement of the rights.
30. 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-12171 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

31. The temporary changes in place of use and points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-12171 are approved.
32. The former place of use **shall not** be irrigated as part of these water rights during the 2016, 2016, 2017, 2018 and 2020 irrigation seasons.
33. The use shall revert to the authorized place of use at the end of the 2019 irrigation season. The authorization to use the temporary point of appropriation shall be terminated concurrently.
34. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
35. A subsequent application for permanent transfer of Certificates 27013, 76043, 48889, 76042, 48890, 65757, 76036, 50758, and 76037 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.

36. 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 27013, 76043, 48889, 76042, 48890, 65757, 76036, 50758, and 76037.
37. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
38. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
39. 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) or at each new point of appropriation.
 - 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.

Dated at Salem, Oregon this 5 day of November 2015.



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

Mailing Date: NOV 09 2015