

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-13146, Lake County)	TEMPORARY CHANGE IN PLACE OF
)	USE

Authority

Oregon Revised Statute (ORS) 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 diversion 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

RICKETTS FAMILY FARM
NICKOLAS RICKETTS
P.O. BOX 130
SILVER LAKE, OR 97638

Findings of Fact

1. On March 11, 2019, RICKETTS FAMILY FARM, NICKOLAS RICKETTS filed an application to temporarily change the place of use under Certificates 46880 and 91249 for a period of 5 years. The Department assigned the application number T-13146.
2. Notice of the application for transfer was published on March 19, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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

Certificate: 46880 in the name of EMIL & RENATE L. WOLFSTURM (perfected under Permit G-5511)
Use: IRRIGATION of 19.0 ACRES
Priority Date: JANUARY 12, 1972
Rate: 0.24 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

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.

for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year.

Source: A WELL, a tributary of SILVER LAKE

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	10	SW SE	1010 FEET SOUTH AND 20 FEET WEST FROM THE NE CORNER OF THE SW1/4 SE ¼ OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	10	SW SE	19.0

4. Transfer Application T-13146 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	10	SW SE	19.0

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

Certificate: 91249 in the name of JAMES T. AND RENATE L. PANCAKE (perfected under Permit G-10043)

Use: IRRIGATION OF 5.0 ACRES

Priority Date: MARCH 22, 1983

Rate: 0.06 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 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: WELL #1 in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	10	SW SE	WELL #1 - 310 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	15	NW NE	5.0

6. Transfer Application T-13146 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	10	SE SW	5.0

Temporary Transfer Review Criteria

7. 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.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
9. The proposed changes would not result in enlargement of the rights.
10. 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

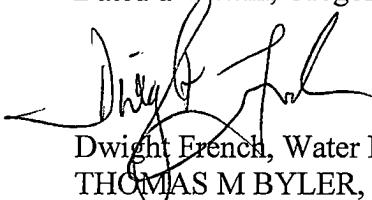
The temporary changes in place of use proposed in Temporary Transfer Application T-13146 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-13146 is approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2019, 2020, 2021, 2022 and 2023 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2023 irrigation season.
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. A subsequent application for permanent transfer of Certificates 46880 and 91249 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.

6. 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.
 - 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.
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 46880 and 91249.
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 right described by Certificates 91249 shall continue to be in accordance with the terms and conditions of Certificate 91249.

Dated at Salem, Oregon this MAY 28 2019,



Dwight French, Water Right Services Division Administrator, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: MAY 29 2019