

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-11841, Klamath County)	CHANGE IN POINTS OF
)	APPROPRIATION AND PLACES OF
)	USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

CALEDONIA PROPERTIES LLC
JOHN VENABLE AND PETE A. NEVIN
17017 HWY 140 E
DAIRY, OR 97625

Findings of Fact

1. On June 16, 2014, CALEDONIA PROPERTIES LLC, JOHN VENABLE AND PETE A. NEVIN filed an application to change the points of appropriation (POA) and to change the places of use (POU) under Certificates 50381, 50382, 86866, 87741, and 87745. The Department assigned the application number T-11841.
2. Notice of the application for transfer was published on June 24, 2014, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 20, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by October 17, 2018.
4. On October 16, 2018, the applicant's agent notified the Department they were working through the deficiencies.

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.

5. On October 19, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by November 19, 2018.
6. On November 28, 2018, the applicant's agent submitted revised maps and tables for Certificates 50381, 86866, and 87741.
7. On December 6, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the revisions. The Department requested that the deficiencies be resolved by January 18, 2019.
8. On January 17, 2019, the applicant's agent contacted the Department requesting additional time to submit the requested deficiencies in the revisions. The Department requested that the deficiencies be resolved by February 1, 2019.
9. On February 1, 2019, the applicant's agent contacted the Department requesting additional time to submit the requested deficiencies in the revisions. The Department granted a final deadline of February 22, 2019 for the deficiencies to be resolved.
10. On February 7, 2019, the applicant's agent submitted revised maps and tables for Certificates 50381, 86866, and 87741.
11. On February 19, 2019, the applicant submitted an Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate.
12. On May 15, 2019, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11841 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of June 14, 2019, 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.
13. On September 6, 2019, the Department issued a Preliminary Determination proposing to approve Transfer T-11841 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 September 10, 2019, and in the Klamath Falls Herald and News newspaper on September 11 and 18, 2019 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
14. The portion of the first right to be transferred is as follows:
 - Certificate:** 50381 in the name of NEVIN CATTLE COMPANY (perfected under Permit U-343)
 - Use:** IRRIGATION of 57.4 ACRES
 - Priority Date:** JULY 19, 1949
 - Rate:** 0.72 CUBIC FOOT PER SECOND, BEING 0.39 CFS FROM LISKEY WELL, 0.23 CFS FROM MITCHELL WELL, AND 0.10 CFS FROM SWAN LAKE JUNCTION WELL

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

Source: FIVE WELLS, a tributary of ANDERSON CREEK (SWAN LAKE)

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	10 E	WM	13	NW NW		LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13
38 S	10 E	WM	23	SE NE		SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24, T38S, R10E, WM

Authorized Place of Use:

IRRIGATION - LISKEY WELL							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
38 S	10 E	WM	12	SE SE		1.5	POU/POA
38 S	10 E	WM	13	NE NW		1.4	POU/POA
38 S	10 E	WM	13	SW NW		2.8	POA
38 S	10 E	WM	13	NW SW		5.4	POA
38 S	10 E	WM	14	NE NE		1.3	POA
38 S	10 E	WM	14	SE NE		17.1	POA
38 S	10 E	WM	14	SE SE		1.7	POU/POA
Total						31.2	

IRRIGATION - MITCHELL WELL							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
38 S	10 E	WM	24	NE SW		1.2	POU/POA
38 S	10 E	WM	24	NE SE		1.1	POU
38 S	10 E	WM	24	NE SE		0.6	POU/POA
38 S	10 E	WM	24	NW SE		1.3	POU
38 S	10 E	WM	24	SE SE		0.9	POU
38 S	10 E	WM	24	SE SE		1.6	POU/POA
38 S	11.5 E	WM	31	NW NE		1.2	POU/POA
38 S	11.5 E	WM	31	NE NW		4.9	POU/POA
38 S	11.5 E	WM	31	NE NW		3.2	POU
38 S	11.5 E	WM	31	NW NW	1	2.6	POU/POA
Total						18.6	

IRRIGATION – SWAN LAKE JUNCTION WELL							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	Type of Change
38 S	10 E	WM	14	SE NE		6.1	POA
38 S	10 E	WM	23	SE NE		1.1	POU/POA
38 S	10 E	WM	23	NE SE		0.4	POU/POA
Total						7.6	

15. Transfer Application T-11841 proposes the following changes for **LISKEY WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.33 cfs from Liskey Well, to:

IRRIGATION – POA ONLY						
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances
38 S	10 E	WM	23	SE NE	26.6	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	23	NW SE	1.5	SWAN LAKE JUNCTION WELL	0.02
38 S	10 E	WM	24	SW NE	1.4	MITCHELL WELL	0.04
38 S	10 E	WM	24	SE NW	1.7	MITCHELL WELL	
Total					4.6		

Approximate distance from Liskey Well measured in miles (mi.)	
SWAN LAKE JUNCTION WELL	1.3 mi.
MITCHELL WELL	1.9 mi.

16. Transfer Application T-11841 proposes the following changes for **MITCHELL WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation from Mitchell Well to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the original point of appropriation measured in miles (mi.)
38 S	10 E	WM	13	NW NW	LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13	1.9 mi.
38 S	10 E	WM	23	SE NE	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23	1.3 mi.
38 S	10 E	WM	24	SW NW	DEER RIDGE WELL – 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24	1.0 mi.

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	12	SW SE	0.7	LISKEY WELL	0.008

IRRIGATION - POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	14	SW NE	0.6	SWAN LAKE JUNCTION WELL	0.078
38 S	10 E	WM	23	NE NE	0.6		
38 S	10 E	WM	23	NW NE	1.6		
38 S	10 E	WM	23	SW NE	1.2		
38 S	10 E	WM	23	SE SE	0.6		
38 S	10 E	WM	24	SE NW	0.7		
38 S	10 E	WM	26	NE NE	0.9		
					Total	6.2	

IRRIGATION - POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	24	SE NW	3.4	DEER RIDGE WELL	0.065
38 S	10 E	WM	24	SW NW	1.8		
					Total	5.2	

IRRIGATION – POU ONLY						
Twp	Rng	Mer	Sec	Q-Q	Acres	
38 S	10 E	WM	24	SE NW	3.2	
38 S	10 E	WM	24	SW SE	3.3	
					Total	6.5

17. Transfer Application T-11841 proposes the following changes for **SWAN LAKE JUNCTION WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.08 cfs from Swan Lake Junction Well, to:

IRRIGATION – POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances	
38 S	10 E	WM	24	SW NW	6.1	DEER RIDGE WELL – 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24	

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	24	SE NW	1.1	MITCHELL WELL	0.02
38 S	10 E	WM	24	SW NW	0.4		
					Total	1.5	

Approximate distance from Swan Lake Junction Well measured in miles (mi.)	
DEER RIDGE WELL	0.3 mi.
MITCHELL WELL	1.3 mi.

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

Certificate: 50382 in the name of NEVIN CATTLE COMPANY (perfected under Permit G-4400)
Use: IRRIGATION of 6.5 ACRES
Priority Date: NOVEMBER 6, 1968
Rate: 0.08 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 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: MITCHELL WELL a tributary of ANDERSON CREEK (SWAN LAKE)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	11.5 E	WM	30	NW SW	3	780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24, T38S, R10E, WM

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	24	SW NE	2.3	POA
38 S	10 E	WM	24	SE SW	4.2	POU
Total					6.5	

19. Transfer Application T-11841 proposes the following changes for **MITCHELL WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.03 cfs from Mitchell Well to:

IRRIGATION - POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	24	SW NW	2.3	DEER RIDGE WELL - 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24	1.0 mi.

20. Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION - MITCHELL WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	cfs
38 S	10 E	WM	24	NW SW	1.0	0.05
38 S	10 E	WM	24	SW SE	3.2	
Total					4.2	

21. The portion of the third right to be transferred is as follows:

Certificate: 86866 in the name of NEVIN CATTLE CO. (perfected under Permit U-343)

Use: IRRIGATION of 152.0 ACRES

Priority Date: JULY 19, 1949

Rate: 1.90 CUBIC FEET PER SECOND, BEING 0.84 CFS FROM DEER RIDGE WELL, 0.91 CFS FROM LISKEY WELL, AND 0.15 CFS FROM SWAN LAKE JUNCTION WELL, if available at the old wells (HAMAKER WELL, LISKEY WELL, MITCHELL WELL, AND SWAN LAKE JUNCTION WELL)

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.

Source: A DEER RIDGE WELL, LISKEY WELL, AND SWAN LAKE JUNCTION WELL, tributaries of SWAN LAKE

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	10 E	WM	13	NW NW	LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13
38 S	10 E	WM	23	SE NE	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23
38 S	10 E	WM	24	SW NW	DEER RIDGE WELL - 2650 FEET NORTH AND 180 FEET EAST FROM THE SW CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION FROM DEER RIDGE WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	11	NE SE	14.2	POA
38 S	10 E	WM	11	NW SE	36.2	POA
38 S	10 E	WM	11	SW SE	4.8	POA
38 S	10 E	WM	13	NW SW	5.0	POA
38 S	10 E	WM	13	SW SW	0.4	POU/POA
38 S	10 E	WM	14	SE SE	1.7	POA
38 S	10 E	WM	24	NE NW	1.8	POU
38 S	10 E	WM	24	NW NW	0.7	POU
38 S	10 E	WM	24	SE NW	2.5	POA
Total					67.3	

IRRIGATION FROM LISKEY WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	11	SE SE	24.8	POA
38 S	10 E	WM	13	NW NE	1.3	POU/POA
38 S	10 E	WM	13	NW NW	1.3	POU/POA
38 S	10 E	WM	13	SW NW	4.0	POU/POA

IRRIGATION FROM LISKEY WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	13	NW SW	8.4	POA
38 S	10 E	WM	14	NE NE	22.3	POA
38 S	10 E	WM	14	NE NE	0.5	POU/POA
38 S	10 E	WM	14	SE NE	7.1	POA
38 S	10 E	WM	14	SE NE	3.2	POU/POA
Total					72.9	

IRRIGATION FROM SWAN LAKE JUNCTION WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	Type of Change
38 S	10 E	WM	14	NE SE	9.9	POU
38 S	10 E	WM	14	NW SE	1.9	POU
Total					11.8	

22. There is an apparent scrivener's error in the description of the authorized point of appropriation for Deer Ridge Well under Certificate 86866. The point of appropriation location coordinates listed in the certificate (2650 feet North and 180 feet East from the SW corner of Section 24, SW ¼ NW ¼ Sec. 24, T38S, R10E, WM) are in error. Based on the accompanying transfer map and final proof survey for Certificate 87741, the location coordinates of Deer Ridge Well should be as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	10 E	WM	24	SW NW	2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24

23. Transfer Application T-11841 proposes the following changes for **DEER RIDGE WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	23	SE NE		SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23	0.3 mi.
38 S	10 E	WM	13	NW NW		LISKEY WELL - 800 FEET SOUTH AND 430 FEET EAST FROM THE NW CORNER OF SECTION 13	1.3 mi.
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24,R10E	1.0 mi.

IRRIGATION – POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	11	NE SE	14.2	LISKEY WELL	0.18
38 S	10 E	WM	24	SE NW	2.5	MITCHELL WELL	0.03
38 S	10 E	WM	11	NW SE	36.2	SWAN LAKE JUNCTION WELL	0.596
38 S	10 E	WM	11	SW SE	4.8	SWAN LAKE JUNCTION WELL	
38 S	10 E	WM	13	NW SW	5.0	SWAN LAKE JUNCTION WELL	
38 S	10 E	WM	14	SE SE	1.7	SWAN LAKE JUNCTION WELL	
					Total	64.4	

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION FROM DEER RIDGE WELL						
Twp	Rng	Mer	Sec	Q-Q	Acres	cfs
38 S	10 E	WM	14	SE SE	0.7	0.03
38 S	10 E	WM	24	SW NW	1.8	
					Total	2.5

IRRIGATION - POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	23	SE SE	0.4	SWAN LAKE JUNCTION WELL	0.005

24. Transfer Application T-11841 proposes the following changes for **LISKEY WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation to:

IRRIGATION – POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	11	SE SE	24.8	SWAN LAKE JUNCTION WELL	0.78
38 S	10 E	WM	13	NW SW	8.4		
38 S	10 E	WM	14	NE NE	22.3		
38 S	10 E	WM	14	SE NE	7.1		
					Total	62.6	

Transfer Application T-11841 also proposes to change the place of use of the right to:

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	14	SE SE	3.2	DEER RIDGE WELL	0.04

IRRIGATION – POA and POU							
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs
38 S	10 E	WM	14	SE SE	1.8	SWAN LAKE JUNCTION WELL	0.09
38 S	10 E	WM	23	SE SE	5.3		
					Total	7.1	

25. Transfer Application T-11841 proposes the following changes for **SWAN LAKE JUNCTION WELL**:

Transfer Application T-11841 proposes to change the place of use of the right to:

IRRIGATION - POU ONLY					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	10 E	WM	14	SE SE	11.8

26. The portion of the fourth right to be transferred is as follows:

- Certificate:** 87741 in the name of NEVIN CATTLE CO. (perfected under Permit G-10129)
- Use:** IRRIGATION of 25.2 ACRES
- Priority Date:** AUGUST 31, 1982
- Rate:** 0.28 CUBIC FOOT PER SECOND, BEING 0.25 CFS FROM DEER RIDGE WELL, AND 0.03 CFS FROM MITCHELL WELL
- 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.
- Source:** DEER RIDGE WELL AND MITCHELL WELL, in the KLAMATH BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	10 E	WM	24	SW NW		DEER RIDGE WELL - 2840 FEET NORTH AND 80 FEET EAST FROM THE SW CORNER OF SECTION 24
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24, R10E

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Well	Type of Change
38 S	10 E	WM	14	SE SE	4.8	DEER RIDGE	POA
38 S	10 E	WM	23	NE NE	0.5	DEER RIDGE	POU
38 S	10 E	WM	23	NE NE	14.5	DEER RIDGE	POA
38 S	10 E	WM	24	NW NW	2.4	DEER RIDGE	POA
38 S	10 E	WM	24	NW SW	0.5	MITCHELL	POU/POA
38 S	10 E	WM	24	SW SW	2.5	MITCHELL	POU/POA
					Total	25.2	

27. Transfer Application T-11841 proposes the following changes for **DEER RIDGE WELL**:

Transfer Application T-11841 proposes to move the authorized point of appropriation, being 0.24 cfs from Deer Ridge Well, to:

IRRIGATION – POA ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Measured Distances	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	23	SE NE	21.7	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23	0.3 mi.

Transfer Application T-11841 proposes to change the place of use of the right, to:

IRRIGATION – POU ONLY							
Twp	Rng	Mer	Sec	Q-Q	Acres	Well	cfs
38 S	10 E	WM	24	SW NW	0.5	DEER RIDGE WELL	0.01

Transfer Application T-11841 proposes the following changes for **MITCHELL WELL**:

Transfer Application T-11841 proposes to change the place of use of the right to:

IRRIGATION – POA and POU								
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Well	cfs	Approximate distance from original point of appropriation measured in miles (mi.)
38 S	10 E	WM	24	SE NW	2.5	DEER RIDGE WELL	0.03	1.0 mi.
38 S	10 E	WM	24	NW SW	0.5			
Total					3.0			

28. The portion of the fifth right to be transferred is as follows:

- Certificate:** 87745 in the name of NEVIN CATTLE CO. (perfected under Permit G-4400)
- Use:** IRRIGATION of 11.4 ACRES
- Priority Date:** NOVEMBER 6, 1968
- Rate:** 0.14 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.
- Source:** MITCHELL WELL, tributary to ANDERSON CREEK (SWAN LAKE)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
38 S	11.5 E	WM	30	NW SW	3	MITCHELL WELL - 780 FEET NORTH AND 5 FEET EAST FROM THE SE CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	10 E	WM	24	SE SW	3.3
38 S	10 E	WM	25	NE NW	5.1
38 S	10 E	WM	25	SE NW	3.0
Total					11.4

29. Transfer Application T-11841 proposes to move the authorized point of appropriation approximately 1.3 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
38 S	10 E	WM	23	SE NE	SWAN LAKE JUNCTION WELL - 3225 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 23

30. Transfer Application T-11841 also proposes to change the place of use of the right to:

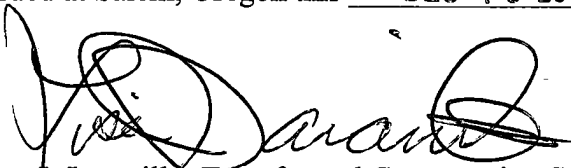
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
38 S	10 E	WM	23	SE SE	3.5
38 S	10 E	WM	26	NE NE	7.9
Total					11.4

Transfer Review Criteria (OAR 690-380-4010)

31. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
32. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-11841.
33. The proposed change would not result in enlargement of the rights.
34. The proposed change would not result in injury to other water rights.
35. All other application requirements are met.

4. The quantity of water diverted at the new points of appropriation (Mitchell Well, Swan Lake Junction Well, Deer Ridge Well, and Liskey Well), shall not exceed the quantity of water lawfully available at the original points of appropriation (Mitchell Well, Swan Lake Junction Well, Deer Ridge Well, and Liskey Well).
5. 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.
6. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
7. The former places of use of the transferred rights shall no longer receive water under the rights.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2021**. 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 changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Issued at Salem, Oregon this DEC 18 2019,



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing date: DEC 20 2019