

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

In the Matter of Transfer Application            )     **FINAL ORDER**  
T-12211, Lake County                            )     **APPROVING A CHANGE IN POINT**  
  )     **OF APPROPRIATION AND CHANGE**  
  )     **IN PLACE 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**

DOUBLE J RANCH LLC  
PO BOX 766  
CHRISTMAS VALLEY, OR 97641  
avajarman@me.com

**Findings of Fact**

1. On November 30, 2015, DOUBLE J RANCH LLC filed an application to change the point of appropriation and to change the place of use under Certificates 52875 and 76941. The Department assigned the application number T-12211.
2. Notice of the application for transfer was published on December 8, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On January 25, 2016, the applicant submitted a revised application and map, identifying 56.0 acres for the transfer.
4. On January 25, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12211 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of February 25, 2016, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2022 and 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.

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 February 22, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12211 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 1, 2016, and in the Lake County Examiner newspaper on March 2 and 9, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The portion of the first right to be transferred is as follows:

**Certificate:** 52875 in the names of MEARL W. BLEVINS AND PATTY L. BLEVINS (perfected under Permit G-8982)

**Use:** IRRIGATION OF 50.2 ACRES

**Priority Date:** MARCH 17, 1980

**Rate:** 0.63 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, 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 within the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	16 E	WM	27	SW NW	Well 1 - 1350 FEET SOUTH AND 1350 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 27

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	NE NW	11.8
27 S	16 E	WM	27	NW NW	13.3
27 S	16 E	WM	27	SW NW	13.3
27 S	16 E	WM	27	SE NW	11.8
Total					50.2

7. Transfer Application T-12211 proposes to move the authorized point of appropriation approximately 1/2 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	16 E	WM	27	SW NE	Well 2 - 1352.7 FEET SOUTH AND 1332.4 FEET WEST FROM THE NE CORNER OF SECTION 27

8. Transfer Application T-12211 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	NE NE	28.0
27 S	16 E	WM	27	NW NE	22.2
Total					50.2

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

**Certificate:** 76941 in the name of K & E FARMS (perfected under Permit G-9018)  
**Use:** IRRIGATION OF 5.8 ACRES  
**Priority Date:** AUGUST 7, 1980  
**Rate:** 0.07 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL WELL LOCATED:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL 2 - 1410 FEET NORTH AND 1320 FEET EAST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 31

**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 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 within the FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	16 E	WM	27	SW NE	WELL 2 - 1352.7 FEET SOUTH AND 1332.4 FEET WEST FROM THE NE CORNER OF SECTION 27

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	SW NE	3.1
27 S	16 E	WM	27	SE NE	2.7
Total					5.8

10. Transfer Application T-12211 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	27	NW NE	5.8

**Transfer Review Criteria (OAR 690-380-4010)**

11. 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.
12. 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-12211.
13. The proposed changes would not result in enlargement of the rights.
14. The proposed changes would not result in injury to other water rights.

15. All other application requirements are met.

### **Conclusions of Law**

The change in point of appropriation and change in place of use proposed in Transfer Application T-12211 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

### **Now, therefore, it is ORDERED:**

1. The change in point of appropriation and change in place of use proposed in Transfer Application T-12211 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 52875 and 76941 and any related decree.
3. Water right Certificates 52875 and 76941 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
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. The water user shall maintain a record of all water used each month, including the total number of hours of pumping, the total quantity pumped, and the categories of beneficial use to which the water is applied. The record of use shall be submitted to the Department annually, or more frequently as may be required by the Director, and shall be submitted to the Watermaster upon request.
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. The former place of use of the transferred rights shall no longer receive water under the rights.

9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. 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.
10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 15 day of April, 2016.

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

Mailing date: APR 29<sup>th</sup> 2016