BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-11230, Lake County)	TEMPORARY CHANGE IN PLACE OF
)	USE

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

TERRY NOFZIGER
P.O. BOX 726
CHRISTMAS VALLEY, OR 97641

Findings of Fact

Background

- 1. On April 12, 2011, TERRY NOFZIGER filed an application to temporarily change the place of use under Certificate 80684 for a period of five years. The Department assigned the application number T-11203.
- 2. The portion of the right to be transferred is as follows:

Certificate: 80684 in the name of TERRY L. NOFZIGER (perfected under

Permit G-9124)

Use: IRRIGATION OF 30.3 ACRES

Priority Date: DECEMBER 22, 1980

Rate: 0.38 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.

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.

Sources: FOUR WELLS within the FORT ROCK BASIN

Authorized Points of Appropriation:

			•		
Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	SE SW	WELL 1 - 1300 FEET NORTH AND 1230 FEET WEST FROM THE S¼ CORNER OF SECTION 31
26 S	18 E	WM	31	NE SE	WELL 2 - 1350 FEET NORTH AND 1400 FEET EAST FROM THE S¼ CORNER OF SECTION 31
26 S	18 E	WM	32	NE SW	WELL 3 - 1340 FEET NORTH AND 1150 FEET WEST FROM THE S ¹ / ₄ CORNER OF SECTION 32
26 S	18 E	WM	32	NE SE	WELL 4 - 1360 FEET NORTH AND 1580 FEET EAST FROM THE S¼ CORNER OF SECTION 32

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		
26 S	18 E	WM	31	NE SE	10.1		
26 S	18 E	WM	31	NW SE	9.8		
26 S	18 E	WM	32	NE SW	2.5		
26 S	18 E	WM	32	NW SW	2.7		
26 S	18 E	WM	32	SW SW	2.7		
26 S	18 E	WM	32	SÉ SW	2.5		

3. Temporary Transfer Application T-11230 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
26 S	18 E	WM	31	SW SE	30.3	

4. Notice of the application for temporary transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.

Temporary Transfer Review Criteria

- 5. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- 7. The proposed change would not result in enlargement of the right.
- 8. The proposed change would not result in injury to other water rights.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-11230 is 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-11230 is approved.
- 2. The former place of use **shall not** be irrigated as part of this water right during the 2012, 2013, 2014, 2015, and 2016 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2016 irrigation season.
- 4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
- 5. A subsequent application for permanent transfer of Certificate 80684 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. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 80684.
- 7. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
- 8. The use of the remaining water right described by Certificate 80684 shall continue to be in accordance with the terms and conditions of Certificate 80684.

Dated at Salem, Oregon this 24 day of May 2011.

Owight French, Water Right Services Administrator, for

PHILLIP C. WARD, DIRECTOR

Mailing Date: MAY 2 5 2011