BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER
Γ-10946, Lake County)	APPROVING A 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

THERESA CLIFF PO BOX 97 LA PINE OR 97739

Findings of Fact

Background

- 1. On August 19, 2009, Theresa Cliff filed an application to temporarily change the place of use under Certificate 46780 for a period of five years. The Department assigned the application number T-10946.
- 2. The portion of the right to be transferred is as follows:

Certificate: 46780 in the name of CAMERON CLIFF (perfected under Permit G-5544)

Use: IRRIGATION of 62.8 ACRES

Priority Date: MARCH 28, 1972

Rate: 0.78 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each

year.

Source: CLIFF WELL within the BRIDGE CREEK BASIN

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.

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	14 E	WM	15	NW NW	CLIFF WELL - 50 FEET SOUTH AND 60 FEET EAST FROM THE NW CORNER OF SECTION 15

Authorized Place of Use:

		RRIGA	TION		
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	9	SE SW	8.5
28 S	14 E	WM	9	SW SE	8.5
28 S	14 E	WM	9	SE SE	8.5
28 S	14 E	WM	10	SW SW	8.3
28 S	14 E	WM	15	NW NW	8.7
28 S	14 E	WM	16	NE NE	8.5
28 S	14 E	WM	16	NW NE	8.5
28 S	14 E	WM	16	NE NW	3.3

3. Temporary Transfer Application T-10946 proposes to temporarily change the place of use of the right to:

	- 11	RRIGA	TION		·
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	10	SE SW	31.4
28 S	14 E	WM	15	NE NW	31.4

- 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.
- 5. Upon approval of Temporary Transfer Application T-10946, the applicants indicated that the use of water under Permits G-10039 and S-47475 will not be used during the irrigation seasons of 2010, 2011, 2012, 2013 and 2014 at the following locations:

IR	RIGATION	AND S	SUPPL	EMENTAL	,
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	14 E	WM	10	SE SW	37.3
28 S	14 E	WM	10	SW SW	2.0
28 S	14 E	WM	15	NE NW	13.6

Temporary Transfer Review Criteria

- 6. 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.
- 7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 8. The proposed change would not result in enlargement of the right.

9. The proposed change 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(6) if the Department later finds that the transfer is causing injury to any existing water right.

Conclusions of Law

The temporary change in place of use proposed in Temporary Transfer Application T-10946 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

- The temporary change in place of use proposed in Temporary Transfer Application T-10946 is approved.
- 2. The former place of use **shall not** be irrigated as part of this water right during the 2010, 2011, 2012, 2013 and 2014 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2014 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 46780 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 46780.
- 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. 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.

9.	The use of the remaining water right described by Certificate 46780 shall continue to be in
	accordance with the terms and conditions of Certificate 46780.
	C/th T
Dat	ed at Salem, Oregon this the day of carber 2009.
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Phi	llip C. Ward, Director

Mailing Date: DEC 1 4 2009