

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-12294, Josephine 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

RANDY AND TERRI BREAZEALE
6171 CLOVERLAWN DRIVE
GRANTS PASS, OR 97527

Findings of Fact

1. On March 3, 2016, RANDY AND TERRI BREAZEALE filed an application to temporarily change the place of use under Certificate 46404 for a period of 5 years. The Department assigned the application number T-12294.
2. Notice of the application for transfer was published on March 15, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be temporarily transferred is as follows:
Certificate: 46404 in the name of WILLIAM H. HARTWIG & GEORGE T. DEDES (perfected under Permit S-33558)
Use: IRRIGATION of 2.0 ACRES
Priority Date: MAY 8, 1968
Rate: 0.04 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-FIFTIETH 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 3.5

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.

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

Source: WEST FORK ILLINOIS RIVER, a tributary of ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
39 S	8 W	WM	32	NE SW	39	710 FEET SOUTH AND 80 FEET WEST FROM THE NE CORNER OF TURNER DLC 39

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	TaxLot	DLC	Acres
39 S	8 W	WM	32	NE SW	910	39	2.0

- Temporary Transfer Application T-12294 proposes to temporarily change the place of use of the right to:

Twp	Rng	Mer	Sec	Q-Q	TaxLot	DLC	Acres
39 S	8 W	WM	32	NW SW	909	39	2.0

Temporary Transfer Review Criteria

- 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.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
- The proposed change would not result in enlargement of the right.
- 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(5) 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-12294 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-12294 is approved.
- The former place of use **shall not** be irrigated as part of this water right during the 2016, 2017, 2018, 2019 and 2020 irrigation seasons.
- The use shall revert to the authorized place of use at the end of the 2020 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 46404 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 46404.
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 meter, or, with prior approval of the Director, another suitable measuring device, at the point of diversion (existing).
 - b. The water user shall maintain the meter or measuring device in good working order.
 - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device 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 46404 shall continue to be in accordance with the terms and conditions of Certificate 46404.

Dated at Salem, Oregon this 27 day of April, 2016.



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

MAY 03 2016

Mailing Date: _____

Please send w/ Final order. Thank you.

Oregon Water Resources Department
Measurement Condition Information for the Appli
(to be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T-12294

- In order to avoid enlargement of the right or injury to other rights, a meter will be required to be installed **prior to diversion of water**, as a condition of this transfer:
 at each point of diversion/appropriation (new and existing) or
 at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Kathy Smith
District: 14
Address: 700 NW Dimmick Suite C
City/State/Zip: Grants Pass, Oregon 97526
Phone: 541-479-2401
Email: Kathy.a.smith@wrd.state.or.us

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device T-
(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature District Date

If this form is used for approval of an alternative measurement device, it must be mailed to:
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266