

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-11355, Lake County	)	TEMPORARY CHANGE IN PLACE OF
	)	USE AND POINT OF APPROPRIATION

**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**

CHURCH FAMILY FARMS  
PO BOX 751  
CHRISTMAS VALLEY, OR 97641

**Findings of Fact**

**Background**

1. On February 21, 2012, CHURCH FAMILY FARMS filed an application to temporarily change the place of use and change the point of appropriation to serve the proposed place of use under Certificate 52784 for a period of 5 years. The Department assigned the application number T-11355.
2. The portion of the right to be transferred is as follows:
  - Certificate:** 52784 in the name of JOE OXENFORD, JR (perfected under Permit G-8199)
  - Use:** IRRIGATION of 56.5 ACRES
  - Priority Date:** APRIL 27, 1978
  - Rate:** 0.71 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, or its equivalent for each acre

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.

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	17 E	WM	32	NE SW	1320 FEET NORTH AND 2640 FEET EAST FROM THE SW CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	32	NE SW	6.7
27 S	17 E	WM	32	SE SW	6.2
27 S	17 E	WM	32	NE SE	22.5
27 S	17 E	WM	32	NW SE	5.3
27 S	17 E	WM	32	SW SE	10.3
27 S	17 E	WM	32	SE SE	5.5
Total					56.5

3. Temporary Transfer Application T-11355 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres	POA
26 S	18 E	WM	30	NE SE		7.6	3
26 S	18 E	WM	30	NW SE		8.1	3
26 S	18 E	WM	30	SW SE		7.0	3
26 S	18 E	WM	30	SE SE		5.7	3
26 S	18 E	WM	31	NW NE		1.8	2
26 S	18 E	WM	31	NE NW		4.5	2
26 S	18 E	WM	31	NW NW	1	6.8	2
26 S	18 E	WM	31	SW NW	2	6.9	2
26 S	18 E	WM	31	SE SW		8.1	2
Total						56.5	

4. The new points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-11355 proposes to move the authorized point of appropriation approximately 8 miles northeast to POA 2 and 8.8 miles northeast to POA 3 to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	30	SE SE	POA 3: 1320 FEET NORTH AND 1260 FEET WEST FROM THE SE CORNER OF SECTION 30
26 S	18 E	WM	31	NE NW	POA 2: 1350 FEET NORTH AND 1220 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 31

5. Notice of the application for transfer was published on February 28, 2012, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

#### ***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 are present.
8. The proposed changes would not result in enlargement of the right.
9. The proposed changes 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 changes in place of use and points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-11355 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

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

1. The temporary changes in place of use and points of appropriation necessary to facilitate the temporary place of use proposed in Temporary Transfer Application T-11355 are 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. The authorization to use the temporary points of appropriation shall be terminated concurrently.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 52784 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 52784.
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 52784 shall continue to be in accordance with the terms and conditions of Certificate 52784.

Dated at Salem, Oregon this 19 day of April, 2012.

  
Dwight French, Water Right Services Administrator, for  
PHILIP C. WARD, DIRECTOR

Mailing Date: APR 23 2012