

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

In the Matter of Transfer Application)	FINAL ORDER
T-12960, Marion County)	APPROVING TEMPORARY
)	CHANGES 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

GOSCHIE FARMS INC.
7365 MERIDIAN RD NE
SILVERTON, OR 97381

Findings of Fact

1. On June 29, 2018, GOSCHIE FARMS INC. filed an application to temporarily change the place of use under Certificates 76288, 76290, and 76291 for a period of 5 years. The Department assigned the application number T-12960.
2. Notice of the application for transfer was published on July 3, 2018, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the first right to be temporarily transferred is as follows:

Certificate: 76288 in the name of GOSCHIE FARMS, INC. (perfected under Permit S-15913)

Use: IRRIGATION of 4.0 ACRES

Priority Date: AUGUST 5, 1944

Rate: 0.05 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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for

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.

each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: ABIQUA CREEK, a tributary of PUDDING RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 E	WM	19	SW SW	4790 FEET SOUTH AND 720 FEET EAST FROM THE NW CORNER OF SECTION 19
6 S	1 E	WM	19	SE SW	5090 FEET SOUTH AND 1580 FEET EAST FROM THE NW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 W	WM	24	SE NE	1.5
6 S	1 W	WM	24	NE SE	2.5
Total					4.0

4. Temporary Transfer Application T-12960 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	19	SW NW	2.4
6 S	1 W	WM	24	SE NE	1.6
Total					4.0

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

Certificate: 76290 in the name of GOSCHIE FARMS, INC. (perfected under Permit S-17554)

Use: IRRIGATION of 3.4 ACRES

Priority Date: FEBRUARY 17, 1947

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

Source: ABIQUA CREEK, a tributary of PUDDING RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 E	WM	19	SW SW	4790 FEET SOUTH AND 720 FEET EAST FROM THE NW CORNER OF SECTION 19
6 S	1 E	WM	19	SE SW	5090 FEET SOUTH AND 1580 FEET EAST FROM THE NW CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	19	NW SW	0.4
6 S	1 E	WM	19	SW SW	1.2
6 S	1 W	WM	24	NE SE	1.2
6 S	1 W	WM	24	SE SE	0.6
Total					3.4

6. Temporary Transfer Application T-12960 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	19	SW NW	2.1
6 S	1 W	WM	24	SE NE	1.3
Total					3.4

7. The portion of the third right to be temporarily transferred is as follows:

Certificate: 76291 in the name of GOSCHIE FARMS, INC. (perfected under Permit S-24772)

Use: IRRIGATION of 2.9 ACRES

Priority Date: MARCH 25, 1957

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

Source: ABIQUA CREEK, a tributary of PUDDING RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	1 E	WM	19	SW SW	4790 FEET SOUTH AND 720 FEET EAST FROM THE NW CORNER OF SECTION 19
6 S	1 E	WM	19	SE SW	5090 FEET SOUTH AND 1580 FEET EAST FROM NW CORNER, SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	19	SW SW	2.9

8. Temporary Transfer Application T-12960 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	1 E	WM	19	SW NW	2.0
6 S	1 W	WM	24	SE NE	0.9
Total					2.9

Temporary Transfer Review Criteria

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no evidence available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would not result in enlargement of the rights.
12. 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

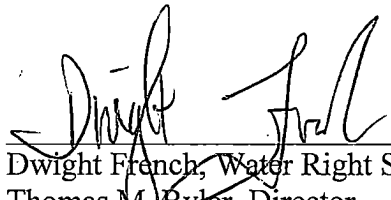
The temporary changes in place of use proposed in Temporary Transfer Application T-12960 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary changes in place of use proposed in Temporary Transfer Application T-12960 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2018, 2019, 2020, 2021 and 2022 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2022 irrigation season.
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 Certificates 76288, 76290, and 76291 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 Certificates 76288, 76290, and 76291.
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 diversion.
 - 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 rights described by Certificates 76288, 76290, and 76291 shall continue to be in accordance with the terms and conditions of Certificates 76288, 76290, and 76291.

Dated at Salem, Oregon this SEP 11 2018.



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

Mailing Date: SEP 12 2018