

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-13738, Baker County)	EMERGENCY USE DROUGHT CHANGE IN
)	PLACE OF USE

Authority

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

Applicant

JOHN T. ROHNER
19997 CULLY LN
BAKER CITY, OR 97814

Findings of Fact

1. On June 14, 2021, JOHN T. ROHNER filed an application to temporarily change the place of use under Permit G-17530 for the remainder of the 2021 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-13738.
2. Notice of the application for transfer was published on June 22, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 23, 2021, the Department contacted the applicant by written correspondence to notify the applicant of a deficiency in the application. A copy of the deed submitted with the application, does not identify the applicant as the owner of the lands appurtenant to Permit G-17530.

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.

4. The portion of the permit to be temporarily transferred is as follows:

Permit: G-17530 in the name of DIAMOND FARMS LLC (developed under Application G-18006)
Use: IRRIGATION of 90.2 ACRES
Priority Date: MARCH 2, 2015
Rate: 1.06 CUBIC FEET 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: NEW WELL in BALDOCK SLOUGH BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
8 S	40 E	WM	2	SW SW	875 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 2

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	2	SW SW	12.6
8 S	40 E	WM	2	SE SW	17.4
8 S	40 E	WM	3	SE SW	7.8
8 S	40 E	WM	3	SW SE	11.8
8 S	40 E	WM	3	SE SE	10.7
8 S	40 E	WM	4	SW SE	12.0
8 S	40 E	WM	4	SE SE	2.9
8 S	40 E	WM	11	SE NW	15.0
Total					90.2

5. Temporary Transfer Application T-13738 proposes to temporarily change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
8 S	40 E	WM	1	SW SW	2.0
8 S	40 E	WM	2	SE SE	20.0
8 S	40 E	WM	11	NE NE	11.0
8 S	40 E	WM	12	NW NW	2.0
8 S	40 E	WM	12	SW NW	9.1
8 S	40 E	WM	12	SE NW	1.0
8 S	40 E	WM	12	NE SW	5.0
8 S	40 E	WM	12	NW SW	30.0
8 S	40 E	WM	12	SW SW	9.1
8 S	40 E	WM	12	SE SW	1.0
Total					90.2

Temporary Drought Transfer Review Criteria

6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing permit are present.
7. The Governor issued an executive order on May 10, 2021, declaring a state of drought emergency in Baker County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
8. The proposed change would not result in enlargement of the permit.
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 OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

Conclusions of Law

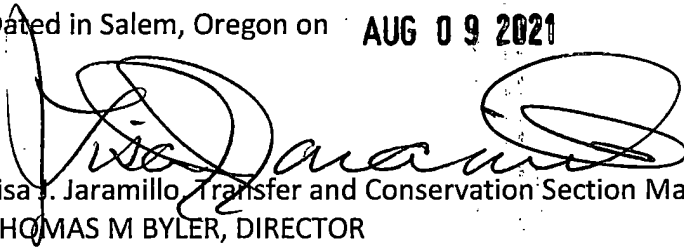
The temporary change in place of use proposed in Temporary Drought Transfer Application T-13738 is consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Drought Transfer Application T-13738 is approved.
2. The former place of use **shall not** be irrigated as part of this water use permit during the remainder of the 2021 irrigation season or until the end of the Governor's declared drought, whichever occurs first.
3. The approval of this temporary drought transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
4. The use of water at the temporary places of use authorized by this transfer shall be in accordance with the terms and conditions of Permit G-17530. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
5. The proposed change in place of use shall revert to the authorized place of use at the end of the 2021 irrigation season or the end of the Governor's declared drought, whichever occurs first.

6. The use of the remaining water use permit described by Permit G-17530 shall continue to be in accordance with the terms and conditions of Permit G-17530.

Dated in Salem, Oregon on **AUG 09 2021**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: **AUG 10 2021**

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