

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A CHANGE IN
T-13387, Josephine County) PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

Applicant

HOLLAND LAKE FARMS LLC
PO BOX 454
CUTTEN, CA 95534

Findings of Fact

1. On March 10, 2020, HOLLAND LAKE FARMS LLC filed an application to change the place of use under Certificate 2712. The Department assigned the application number T-13387.
2. Notice of the application for transfer was published on March 17, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 7, 2020, the Department contacted the applicant’s agent by written correspondence to notify the agent of a deficiency in the application. The application map was not clear enough on whether Kendall Road was included in the place of use or not.
4. On January 26, 2021, the agent submitted a revised application map, resolving the deficiency.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

5. On February 17, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13387 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 19, 2021, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
6. On June 1, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13387 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on June 8, 2021, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
7. The portion of the right to be transferred is as follows:

Certificate: 2712 in the name of GEO W. DUNN (confirmed by ALTHOUSE CREEK Decree)
Use: IRRIGATION of 20.0 ACRES OF LAND, DOMESTIC, and STOCK USE
Priority Date: 1858
Rate: 0.4 CUBIC FOOT PER SECOND
Source: ALTHOUSE CREEK, a tributary of the ILLINOIS RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q
<i>Not specified in certificate</i>				

Authorized Place of Use:

IRRIGATION, DOMESTIC, AND STOCK USE					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	7 W	WM	5	SE NE	20.0

8. The Department received information from the applicant that better describes the location of the authorized point of diversion for Certificate 2712 as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
40 S	7 W	WM	9	NE SE	POD 1 (HOLLAND BEACH AND PLATTER DITCH POD) - LATITUDE: 42° 06' 19.31266" (N) LONGITUDE: -123° 31' 25.2981" (W)

9. Transfer Application T-13387 proposes to change the place of use of the right to:

IRRIGATION, DOMESTIC, AND STOCK USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
40 S	7 W	WM	4	SW NW	39	20.0

Transfer Review Criteria [OAR 690-380-4010(2)]

10. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-13387.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.
14. All other application requirements are met.

Conclusions of Law

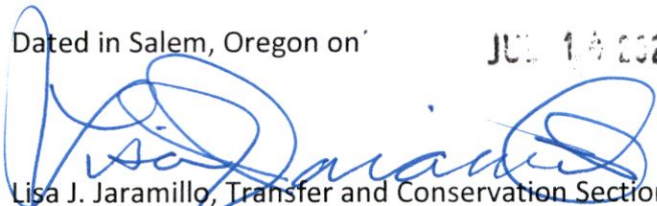
The change in place of use proposed in Transfer Application T-13387 is consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in place of use proposed in Transfer Application T-13387 is approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 2712 and any related decree.
3. Water right Certificate 2712 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The former place of use of the transferred right shall no longer receive water under the right.
5. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2022**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.

6. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUL 14 2021**


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

Mailing date: ~~_____~~ **JUL 15 2021**