

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-13122, Lake County)	CHANGES IN POINTS OF
)	APPROPRIATION, ADDITIONAL
)	POINTS OF APPROPRIATION AND
)	CHANGES IN PLACES OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, 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

BUCKLEY CHURCH
CHURCH FAMILY FARMS INC.
CHURCH HAY FARMS INC.
PO BOX 751
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On February 11, 2019, BUCKLEY CHURCH / CHURCH FAMILY FARMS, INC. AND CHURCH HAY FARMS, INC. filed an application to change the points of appropriation for Certificates 52784, 67903, 88719, and 86164, additional points of appropriation for Certificate 52784, and to change the places of use under Certificates 52784, 67903, 76942, 88719, and 86164. The Department assigned the application number T-13122.
2. Notice of the application for transfer was published on February 19, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 23, 2020, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13122 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of August 25, 2020, 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.

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.

4. On February 25, 2021, the Department issued a Preliminary Determination proposing to approve Transfer T-13122 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 March 2, 2021, and in the Lake County Examiner newspaper on March 3rd and 10th, 2021 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
5. The portion of the first 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL a tributary of FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	32	NE SW	POA #1-1320 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

6. Transfer Application T-13122 proposes to move the authorized point of appropriation approximately 6.3 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	21	SE NW	POA #4- 1990 FEET SOUTH AND 3280 FEET WEST FROM THE NE CORNER OF SECTION 21

7. Transfer Application T-13122 proposes additional points of appropriation with approximate distances from the authorized point of appropriation in miles as described below to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from the authorized point of appropriation
27 S	16 E	WM	25	SW SW	POA #4 - 1315 FEET NORTH AND 1315 FEET EAST FROM THE SW CORNER OF SECTION 25	2.4 miles
27 S	16 E	WM	25	NE SE	POA # 5 - 800 FEET SOUTH AND 10 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 25	1.8 mile

8. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	16 E	WM	25	SE SW	31.4
27 S	16 E	WM	25	SW SE	22.3
28 S	16 E	WM	21	SW NW	2.5
28 S	16 E	WM	21	SE NW	0.3
TOTAL					56.5

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

Certificate: 67903 in the name of ZANE D. CHURCH (perfected under Permit G-8432)

Use: IRRIGATION of 23.2 ACRES

Priority Date: DECEMBER 27, 1978

Rate: 0.29 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 per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 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
28 S	16 E	WM	15	SW NW	WELL #5 - 2650 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER OF SECTION 15

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
28 S	16 E	WM	15	SW NW	7.6
28 S	16 E	WM	15	SE NW	8.4
28 S	16 E	WM	15	NE SW	7.2
TOTAL					23.2

10. Transfer Application T-13122 proposes to move the authorized point of appropriation approximately 13 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31

11. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	NE NE	5.8
26 S	18 E	WM	31	NW NE	5.9
26 S	18 E	WM	31	SW NE	5.8
26 S	18 E	WM	31	SE NE	5.7
TOTAL					23.2

12. The third right to be transferred is as follows:

Certificate: 76942 in the name of MARVIN C MORSE (perfected under Permit G-9018)
Use: IRRIGATION of 64.7 ACRES
Priority Date: AUGUST 7, 1980
Rate: 0.81 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: A WELL in the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	NE NE	32.1
26 S	18 E	WM	31	NW NE	32.6
TOTAL					64.7

13. Transfer Application T-13122 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	NE NE	16.1
26 S	18 E	WM	31	NW NE	16.4
26 S	18 E	WM	31	SW NE	16.2
26 S	18 E	WM	31	SE NE	16.0
TOTAL					64.7

14. The portion of the fourth right to be transferred is as follows:

Certificate: 86164 in the name of ZANE D. CHURCH (perfected under Permit G-10718)

Use: IRRIGATION of 85.6 ACRES

Priority Date: JANUARY 22, 1987

Rate: 1.072 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, or its equivalent for each acre 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 in the Goose and Summer Lake Basin

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
28 S	16 E	WM	1	SE NW	POA # 8 - 1850 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
28 S	16 E	WM	1	NE NE	1	1.4
28 S	16 E	WM	1	NW NE	2	7.2
28 S	16 E	WM	1	SW NE		2.6
28 S	16 E	WM	1	SE NE		3.5
28 S	16 E	WM	1	NE NW	3	7.3
28 S	16 E	WM	1	NW NW	4	15.4
28 S	16 E	WM	1	SW NW		38.8
28 S	16 E	WM	1	SE NW		9.4
TOTAL						85.6

15. Transfer Application T-13122 proposes to move the authorized point of appropriation with approximate distances from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance in miles
27 S	17 E	WM	25	NE SE	WELL 5 - 800 FEET SOUTH AND 10 FEET WEST FROM THE NW CORNER OF SECTION 1	8.6 miles
28 S	16 E	WM	21	SE NW	WELL 4 - 1990 FEET SOUTH AND 3280 FEET WEST FROM THE NE CORNER OF SECTION 21	4.2 miles
28 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31	8.5 miles

16. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
26 S	18 E	WM	31	NE NE		8.0
26 S	18 E	WM	31	NW NE		8.0
26 S	18 E	WM	31	SW NE		8.0
26 S	18 E	WM	31	SE NE		7.9
27 S	17 E	WM	30	NE SW		4.2
27 S	17 E	WM	30	NW SW	3	3.9
27 S	17 E	WM	30	SW SW	4	3.4
27 S	17 E	WM	30	SE SW		4.4
28 S	16 E	WM	1	NW SE		15.7
28 S	16 E	WM	21	SW NW		19.7
28 S	16 E	WM	21	SE NW		2.4
TOTAL						85.6

17. The portion of the fifth right to be transferred is as follows:

Certificate: 88719 in the name of BUCKLEY D. AND KATHRYN CHURCH
(perfected under Permit G-10043)

Use: IRRIGATION of 3.3 ACRES

Priority Date: MARCH 22, 1983

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 a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre 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

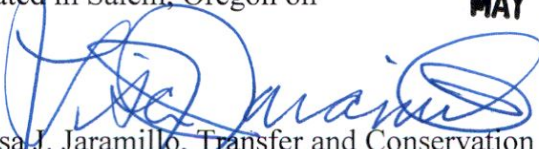
Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	29	SW SW	WELL B - 1290 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 29

4. Water right Certificates 52784, 67903, 88719, and 86164 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
5. The quantity of water diverted at the new points of appropriation (Wells 4, 5, and A), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1, 5, 8, and WELL B).
6. The quantity of water diverted at the additional points of appropriation (Wells 4, 5, and A), together with that diverted at the original points of appropriation (Wells 1 and 8), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1 and 8).
7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
8. The former places of use of the transferred rights shall no longer receive water under the rights.
9. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install an instantaneous and totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring device(s) in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring device(s); provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
10. 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 changes and full beneficial use of the water.
11. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on

MAY 04 2021


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

Mailing date: **MAY 06 2021**

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	29	SW SE	3.30

18. Transfer Application T-13122 proposes to move the authorized point of appropriation approximately 1000 feet from existing point of appropriation (WELL B) to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 320 FEET EAST FROM THE CENTER 1/4 CORNER OF SECTION 31

19. Transfer Application T-13122 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	31	NE NE	0.8
26 S	18 E	WM	31	NW NE	0.9
26 S	18 E	WM	31	SW NE	0.8
26 S	18 E	WM	31	SE NE	0.8
TOTAL					3.3

Transfer Review Criteria (OAR 690-380-4010)

20. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-13122.
21. The proposed changes, as conditioned, would not result in enlargement of the rights.
22. The proposed changes, as conditioned, would not result in injury to other water rights.
23. All other application requirements are met.

Conclusions of Law

The change in points of appropriation, additional points of appropriation and change in places of use proposed in Transfer Application T-13122 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The change in points of appropriation, additional points of appropriation, and change in places of use proposed in Transfer Application T-13122 are approved.
2. The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 52784, 67903, 76942, 88719, 86164, and any related decree.
3. Water Right Certificate 76942 is cancelled.

ISSUED BY O YAM

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