

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING
T-11991, Lake County)	TEMPORARY CHANGES IN PLACE
)	OF USE, AND POINTS OF
		APPROPRIATION

Authority

Oregon Revised Statute (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. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

JRS PROPERTIES III
PO BOX 27
BOISE, ID 83707

Findings of Fact

1. On February 26, 2015, JRS PROPERTIES III 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 34171, 50917, 50918, and 50757 for a period of 5 years. The Department assigned the application number T-11991.
2. During the review of temporary transfer application T-11991 the Department identified several deficiencies in the application. On May 5, 2015 the Department informed the applicant of the deficiencies and requested they be resolved by July 6, 2015.
3. On June 15, 2015, the applicant provided the requested documents to resolve the deficiencies.
4. Notice of the application for transfer was published on March 3, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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.

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

Certificate: 34171 in the name of WEST SACRAMENTO ENTERPRISES INC.
(perfected under Permit G-696)

Use: IRRIGATION of 11.0 ACRES

Priority Date: AUGUST 14, 1957

Rate: 0.14 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; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: VIEWPOINT WELL 3 within the ANA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	29	SE NW	2660 FEET NORTH AND 2110 FEET EAST FROM THE SW CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	29	SE NW	11.00

6. Temporary Transfer Application T-11991 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	0.80
27 S	19 E	WM	28	SW NE	2.70
27 S	19 E	WM	28	NE NW	2.40
27 S	19 E	WM	28	SW NW	1.40
27 S	19 E	WM	28	SE NW	1.10
27 S	19 E	WM	28	NE SW	2.10
27 S	19 E	WM	28	NW SE	0.50

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

Certificate: 50757 in the name of ALDER CREEK RANCHES INC. (perfected under Permit G-8122)

Use: IRRIGATION of 27.8 ACRES

Priority Date: APRIL 4, 1978

Rate: 0.35 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; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: VIEWPOINT WELL 2 within the FORT ROCK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	19	SW SE	320 FEET NORTH AND 2600 FEET WEST FROM THE SE CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	19	NE SW	1.20
27 S	19 E	WM	19	SE SW	1.50
27 S	19 E	WM	19	NE SE	0.60
27 S	19 E	WM	19	NW SE	3.00
27 S	19 E	WM	20	SW SW	2.40
27 S	19 E	WM	29	NW NW	1.20
27 S	19 E	WM	30	NW NE	0.20
27 S	19 E	WM	30	SE NE	3.80
27 S	19 E	WM	30	NE NW	13.90

8. Temporary Transfer Application T-11991 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	3.00
27 S	19 E	WM	28	SW NE	5.20
27 S	19 E	WM	28	NE NW	5.30
27 S	19 E	WM	28	NW NW	1.00
27 S	19 E	WM	28	SW NW	5.30
27 S	19 E	WM	28	SE NW	0.10
27 S	19 E	WM	28	NE SW	5.30
27 S	19 E	WM	28	NW SW	0.30
27 S	19 E	WM	28	NW SE	2.30

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

Certificate: 50917 in the name of ALDER CREEK RANCH (perfected under Permit G-697)

Use: IRRIGATION of 62.1 ACRES

Priority Date: AUGUST 14, 1957

Rate: 0.78 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, 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; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Source: VIEWPOINT WELL 1, 2, AND 3 within the ANA RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	19 E	WM	18	SW SW	3260 FEET NORTH AND 80 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 19
27 S	19 E	WM	19	SW SE	2320 FEET SOUTH AND 2710 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 19
27 S	19 E	WM	29	SE NW	2110 FEET EAST AND 2660 FEET NORTH FROM THE SW CORNER OF SECTION 29

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	18 E	WM	24	NE NE		10.70
27 S	18 E	WM	19	NW NW	1	8.80
27 S	18 E	WM	19	NW SW	3	0.10
27 S	18 E	WM	19	SE SW		8.20
27 S	18 E	WM	19	NE SE		3.50
27 S	18 E	WM	19	SE SE		1.50
27 S	18 E	WM	29	SW NW		3.00
27 S	18 E	WM	29	NE SW		17.00
27 S	18 E	WM	29	NW SW		1.70
27 S	18 E	WM	29	NW SE		1.40
27 S	18 E	WM	30	NE NE		4.20
27 S	18 E	WM	30	SE NE		1.40
27 S	18 E	WM	30	NE NW		0.60

10. Temporary Transfer Application T-11991 proposes to temporarily change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	19 E	WM	28	NW NE	0.9
27 S	19 E	WM	28	SW NE	12.3
27 S	19 E	WM	28	NE NW	6.8
27 S	19 E	WM	28	SW NW	0.4
27 S	19 E	WM	28	SE NW	38.1
27 S	19 E	WM	28	NE SE	3.4
27 S	19 E	WM	28	NW SE	0.2

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

Certificate: 50918 in the name of ALDER CREEK RANCH (perfected under Permit G-1997)
Use: IRRIGATION of 14.6 ACRES
Priority Date: NOVEMBER 24, 1961
Rate: 0.15 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; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.
Source: VIEWPOINT WELL 1 within the FORT ROCK BASIN BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
27 S	19 E	WM	18	SW SW	4	3260 FEET NORTH AND 80 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 19

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	19 E	WM	18	NE SW		7.2
27 S	19 E	WM	18	NW SW	3	0.7
27 S	19 E	WM	18	SW SW	4	2.0
27 S	19 E	WM	18	SE SW		3.4
27 S	19 E	WM	18	SW SE		1.3

12. Temporary Transfer Application T-11991 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	19 E	WM	28	NW NE		1.2
27 S	19 E	WM	28	SW NE		3.2
27 S	19 E	WM	28	NE NW		3.2
27 S	19 E	WM	28	NW NW		0.1
27 S	19 E	WM	28	SW NW	3	2.6
27 S	19 E	WM	28	NE SW		2.8
27 S	19 E	WM	28	SE SW		0.6
27 S	19 E	WM	28	NE SE		0.9

13. Changes in points of appropriation are necessary to convey the water to the proposed temporary places of use. Temporary Transfer Application T-11991 proposes to move the authorized points of appropriation, for Certificates 34171, 50917, 50918, and 50757, to approximately:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Viewpoint Wells		
						1	2	3
27 S	19 E	WM	28	SE NW	1910 FEET SOUTH AND 3110 FEET WEST FROM THE NE CORNER OF SECTION 28	2.9 miles	1.9 miles	1.0 mile

Temporary Transfer Review Criteria

14. 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.
15. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
16. The proposed changes would not result in enlargement of the rights.
17. 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-11991 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 to serve the temporary place of use proposed in Temporary Transfer Application T-11991 are approved.
2. The former place of use **shall not** be irrigated as part of these water rights during the 2015, 2016, 2017, 2018 and 2019 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2019 irrigation season. The authorization to use the temporary point 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 Certificates 34171, 50917, 50918, and 50757 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 34171, 50917, 50918, and 50757.
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. Prior to use, the "To" and "From" POA wells shall be configured to allow a strictly clean water (no oil) static water level measurements with an electric-tape. That can include measurement access via an unobstructed vertical discharge pipe (no valves, etc.). Otherwise, a dedicated measuring tube must be installed prior to use. The tube must be unobstructed, have a diameter of $\frac{3}{4}$ inch (0.75 inch) or greater, and pursuant to figure 200-5 in OAR 690-200.
9. Prior to using water from any well listed on this final order, the applicant shall ensure that the wells have been assigned an OWRD Well Identification Number (Well ID). A tag showing the Well ID shall be permanently attached to the well. If a well does not have a Well ID, the applicant shall apply for one from the Department and attach it to the well within 60 days of the date the final order is issued. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
10. 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 (new and existing).
 - 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.

11. The use of the remaining water rights described by Certificates 34171, 50917, 50918, and 50757 shall continue to be in accordance with the terms and conditions of Certificates 34171, 50917, 50918, and 50757.

Dated at Salem, Oregon this 30 day of June 2015.



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

Mailing Date: JUL 02 2015