

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

In the Matter of Transfer Application)	FINAL ORDER
T-14255, Klamath County)	APPROVING A CHANGE
)	IN PLACE 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

DEMING RANCH LAND AND CATTLE LLC
2064 CAMP WHITNEY CIRCLE
ROCKLIN, CA 95765

Findings of Fact

1. On June 6, 2023, DEMING RANCH LAND AND CATTLE, LLC filed an application to change the place of use under Certificate 83235. The Department assigned the application number T-14255.
2. Notice of the application for transfer was published on June 13, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 18, 2023, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-14255 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of January 18, 2024, 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.
4. On April 12, 2024, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14255 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 16, 2024, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

5. The right to be transferred is as follows:

Certificate: 83235 in the name of BERNARD L. AND RHEA E. SIMONSEN TTBS,
SIMONSEN FAMILY TRUST AND PAUL WILLIAM SIMONSEN (perfected
under Permit G-10126)

Use: IRRIGATION OF 1.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 307.8
ACRES

Priority Date: MARCH 28, 1983

Rate: 3.85 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) and 3.0
acre-feet for each acre irrigated during the irrigation season of each year,
provided further that the right allowed herein shall be limited to any
deficiency in the available supply of any prior right existing for the same
land and shall not exceed the limitation allowed herein.

Source: A WELL in the SPRAGUE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
36 S	14 E	WM	24	NE SW	1510 FEET NORTH AND 1750 FEET EAST FROM THE SW CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	14 E	WM	24	NE SW	1.3

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	14 E	WM	24	SW SW	36.4
36 S	14 E	WM	24	SE SW	23.6
36 S	14 E	WM	24	SW SE	0.8
36 S	14 E	WM	25	NE NW	40.0
36 S	14 E	WM	25	NW NW	16.4
36 S	14 E	WM	25	SE NW	40.0
36 S	14 E	WM	25	NE SW	37.6
36 S	14 E	WM	25	NW SE	25.6
36 S	14 E	WM	25	SW SE	39.8
36 S	14 E	WM	25	SE SE	11.6
36 S	14 E	WM	36	NW NE	36.0
TOTAL					307.8

6. Transfer Application T-14255 proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	14 E	WM	26	SE NE	1.3

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	14 E	WM	26	SW NE	30.2
36 S	14 E	WM	26	SE NE	32.1
36 S	14 E	WM	26	SE NW	10.0
36 S	14 E	WM	26	NE SW	13.4
36 S	14 E	WM	26	NW SW	21.5
36 S	14 E	WM	26	SW SW	40.0
36 S	14 E	WM	26	SE SW	40.0
36 S	14 E	WM	26	NE SE	25.0
36 S	14 E	WM	26	NW SE	16.3
36 S	14 E	WM	26	SW SE	40.0
36 S	14 E	WM	26	SE SE	39.3
TOTAL					307.8

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2) and OAR 690-380-2110(2)]

7. Water has been within the last five years prior to the submittal of Transfer Application T-14255 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.
8. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14255.
9. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
10. The proposed change, as conditioned, would not result in enlargement of the right.
11. The proposed change, as conditioned, would not result in injury to other existing water right.
12. All other application requirements are met.

Conclusions of Law

The change in place of use proposed in Transfer Application T-14255 is 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 place of use proposed in Transfer Application T-14255 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 83235 and any related decree.

3. Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new place of use.
4. Water right Certificate 83235 is cancelled.
5. The former place of use of the transferred right shall no longer receive water under the right.
6. 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.
 - 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.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2025**. 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.
8. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on **JUL 2 - 2024**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: **JUL 3 - 2024**