

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

In the Matter of Transfer Application) FINAL ORDER APPROVING TEMPORARY
T-14216, LINN County) CHANGES IN PLACE OF USE

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

G4 LLC
PO BOX 257
TANGENT, OR 97389

Findings of Fact

1. On April 10, 2023, G4 LLC filed an application to temporarily change the place of use under Certificates 33845, 60696, and 60726 for a period of 5 years. The Department assigned the application number T-14216.

2. Notice of the application for transfer was published on April 18, 2023, pursuant to OAR 690-380-4000.

3. The portion of the first right to be transferred is as follows:
 - Certificate:** 33845 in the name of JOHN AND LETHA GLASER (perfected under Permit G-1743)
 - Use:** IRRIGATION of 30.9 ACRES
 - Priority Date:** DECEMBER 30, 1960
 - Rate:** 0.39 CUBIC FOOT PER SECOND

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.

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: GLASER WELL NO. 1, A TRIBUTARY OF CALAPOOYA RIVER (WILLAMETTE RIVER)

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	4 W	WM	34	SW SW	66	GLASER WELL #1 - 830 FEET SOUTH AND 630 FEET WEST FROM THE NW CORNER OF DLC 75

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	4 W	WM	3	SW NE	56	0.4
12 S	4 W	WM	3	SW NW	56	16.3
12 S	4 W	WM	3	SE NW	56	14.2
					Total	30.9

4. Temporary Transfer Application T-14216 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	4 W	WM	33	SE NE	67	4.3
11 S	4 W	WM	34	SW NW	67	4.0
11 S	4 W	WM	34	NW SE	67	22.6
					Total	30.9

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

Certificate: 60696 in the name of STEVE AND VIRGINIA GLASER (perfected under Permit G-6931)

Use: IRRIGATION of 58.2 ACRES

Priority Date: JULY 15, 1976

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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Source: GLASER WELL #1, in the CALAPOOIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	4 W	WM	34	SW SW	66	GLASER WELL #1 - 170 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 34

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	4 W	WM	34	SE SW	75	19.9
12 S	4 W	WM	3	NE NW	67	31.3
12 S	4 W	WM	3	NW NW	67	2.8
12 S	4 W	WM	3	SW NW	67	1.0
12 S	4 W	WM	3	SE NW	67	3.2
					Total	58.2

6. Temporary Transfer Application T-14216 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	4 W	WM	27	SW SW	67	8.9
11 S	4 W	WM	28	SW SE	67	16.3
11 S	4 W	WM	28	SE SE	67	33.0
					Total	58.2

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

Certificate: 60726 in the name of STEVE GLASER (perfected under Permit G-8858)
Use: IRRIGATION of 96.9 ACRES
Priority Date: OCTOBER 17, 1979
Rate: 1.15 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Source: GLASER WELL NO. 1, in the CALAPOOIA RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	4 W	WM	34	SW SW	66	170 FEET NORTH AND 250 FEET EAST FROM THE SW CORNER OF SECTION 34

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Glot	DLC	Acres
11 S	4 W	WM	34	SW NE		64	4.20
11 S	4 W	WM	34	SW NW	1		10.30
11 S	4 W	WM	34	SE NW		64	13.40
11 S	4 W	WM	34	SE NW	1		16.50
11 S	4 W	WM	34	NE SW		64	12.0
11 S	4 W	WM	34	NE SW	2		21.70
11 S	4 W	WM	34	NW SW	2		13.60
11 S	4 W	WM	34	SW SW	2		1.40
11 S	4 W	WM	34	SE SW	2		3.00
11 S	4 W	WM	34	NW SE		64	0.80
						Total	96.9

8. Temporary Transfer Application T-14216 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	4 W	WM	27	SW SW	67	1.1
11 S	4 W	WM	33	NE NE	67	40.0
11 S	4 W	WM	33	NW NE	67	30.9
11 S	4 W	WM	33	SW NE	67	8.0
11 S	4 W	WM	33	SE NE	67	16.9
					Total	96.9

Temporary Transfer Review Criteria

9. 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.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
11. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred rights, as required by ORS 540.523(7).
12. 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.

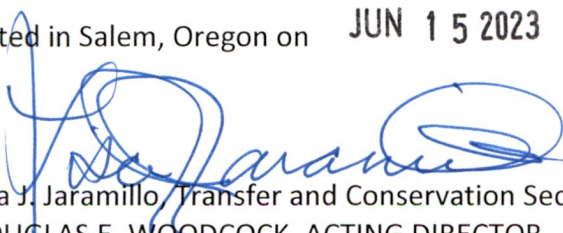
Conclusions of Law

The temporary changes in places of use proposed in Temporary Transfer Application T-14216 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-14216 are approved.
2. The former places of use **shall not** be irrigated as part of these water rights during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized places of use at the end of the 2027 irrigation season.
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 33845, 60696, and 60726 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 33845, 60696, and 60726.
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. The use of the remaining water rights described by Certificates 33845, 60696, and 60726, shall continue to be in accordance with the terms and conditions of Certificates 33845, 60696, and 60726.

Dated in Salem, Oregon on JUN 15 2023



Lisa J. Jaramillo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: JUN 16 2023