

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

In the Matter of Transfer Application) FINAL ORDER APPROVING A TEMPORARY
T-14016, Baker County) CHANGE 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

MCEST RANCHES, LLC
ATTN: BILL DOLSEN
301 N. 3RD STREET
YAKIMA, WA 98901

Findings of Fact

1. On May 19, 2022, MCEST RANCHES, LLC. ATTN: BILL DOLSEN filed an application to temporarily change the place of use under Certificate 96200 for a period of 5 years. The Department assigned the application number T-14016.
2. Notice of the application for transfer was published on June 14, 2022, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:
 - Certificate:** 96200 in the name of NORTHWEST FARM CREDIT SERVICES FLCA (perfected under Permit G-17655)
 - Use:** SUPPLEMENTAL IRRIGATION of 67.0 ACRES
 - Priority Date:** APRIL 4, 2003
 - Rate:** 0.35 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.

Period of Use: MARCH 1 THROUGH OCTOBER 31

Limit/Duty: The amount of water used for irrigation under this right, 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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELLS K, S, and T in the POWDER RIVER BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	39 E	WM	24	NE NE	WELL K - 20 FEET SOUTH AND 60 FEET WEST FROM THE NE CORNER OF SECTION 24
7 S	40 E	WM	31	NW NE	WELL S - 10 FEET SOUTH AND 1360 FEET WEST FROM THE SE CORNER OF SECTION 30
7 S	40 E	WM	29	SW SW	WELL T - 90 FEET NORTH AND 870 FEET EAST FROM THE SW CORNER OF SECTION 29

Authorized Place of Use:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	40 E	WM	30	NE NE	8.4
7 S	40 E	WM	30	NW NE	6.8
7 S	40 E	WM	30	SW NE	5.9
7 S	40 E	WM	30	SE NE	8.7
7 S	40 E	WM	30	NE NW	4.0
7 S	40 E	WM	30	NW NW	5.7
7 S	40 E	WM	30	SE NW	1.0
7 S	40 E	WM	30	SE SW	4.7
7 S	40 E	WM	30	NE SE	6.3
7 S	40 E	WM	30	NW SE	5.1
7 S	40 E	WM	30	SW SE	4.4
7 S	40 E	WM	30	SE SE	6.0
Total					67.0

4. Temporary Transfer Application T-14016 proposes to temporarily change the place of use of the right to:

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	39 E	WM	36	NE NE	4.8
7 S	39 E	WM	36	SE NE	2.5
7 S	40 E	WM	31	NW NW	28.9
7 S	40 E	WM	31	SW NW	30.8
Total					67.0

5. Temporary Transfer Application T-14016 proposes to temporarily transfer a water right within the boundaries of Baker Valley Irrigation District. The district was notified of the proposed temporary transfer and indicated that the district did not object to the transfer.

Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed change would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed change 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 change in place of use proposed in Temporary Transfer Application T-14016 is consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

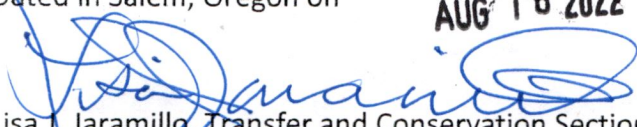
Now, therefore, it is ORDERED:

1. The temporary change in place of use proposed in Temporary Transfer Application T-14016 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2022, 2023, 2024, 2025, and 2026 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2026 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. 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

6. A subsequent application for permanent transfer of Certificate 96200 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.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 96200.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. The use of the remaining water right described by Certificate 96200 shall continue to be in accordance with the terms and conditions of Certificate 96200.

Dated in Salem, Oregon on

AUG 16 2022


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

Mailing Date:

AUG 17 2022