

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

In the Matter of Transfer Application      )  
T-14203, Lake County                            )

FINAL ORDER APPROVING A TEMPORARY  
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**

AARON WESLER  
HARD ROCK FARMLAND, LLC  
PO BOX 226  
CHRISTMAS VALLEY, OR 97641

**Findings of Fact**

- 1. On March 27, 2023, AARON WESLER / HARD ROCK FARMLAND, LLC, filed an application to temporarily change the place of use under Certificate 64853 for a period of 5 years. The Department assigned the application number T-14203.
- 2. Notice of the application for transfer was published on April 4, 2023, pursuant to OAR 690-380-4000.
- 3. On October 25, 2023, the Department sent a deficiency letter because of insufficient evidence to establish proof of beneficial use of water on the pivot corners within the previous five years. The Department requested that the deficiencies be resolved by November 20, 2023. The agent responded on November 3, 2023, with further evidence of use.

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.

4. The right to be transferred is as follows:

**Certificate:** 64853 in the name of LOMA VISTA FARMS BY WILLIAM B. COIT (perfected under Permit G-9201)  
**Use:** IRRIGATION of 141.9 ACRES  
**Priority Date:** JANUARY 26, 1981  
**Rate:** 1.77 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 3.0 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	GLot	Measured Distances
25 S	18 E	WM	2	NW NW	4	1320 FEET SOUTH AND 1310 FEET EAST FROM THE NW CORNER OF SECTION 2

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	18 E	WM	2	NE NW	3	36.9
25 S	18 E	WM	2	NW NW	4	36.1
25 S	18 E	WM	2	SW NW		36.8
25 S	18 E	WM	2	SE NW		32.1
					Total	141.9

5. Temporary Transfer Application T-14203 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
25 S	18 E	WM	2	NW NE	2	5.4
25 S	18 E	WM	2	SW NE		11.6
25 S	18 E	WM	2	NE NW	3	33.8
25 S	18 E	WM	2	NW NW	4	32.8
25 S	18 E	WM	2	SW NW		28.7
25 S	18 E	WM	2	SE NW		29.6
					Total	141.9

**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-14203 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-14203 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026, and 2027 irrigation seasons.
3. The use shall revert to the authorized place 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 change causes injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 64853 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 Certificate 64853.
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. 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.

Dated in Salem, Oregon on **DEC 22 2023**



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

Mailing Date: **DEC 26 2023**