

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

In the Matter of Transfer Application            )     FINAL ORDER APPROVING A  
T-11525, Lake County                            )     CHANGE IN POINT OF  
  )     APPROPRIATION AND PLACE OF USE

**Authority**

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

THE POPLARS RANCH INC.  
59234 FORT ROCK RD  
SILVER LAKE, OR 97638

**Findings of Fact**

1. On January 22, 2013, THE POPLARS RANCH INC. filed an application to change the point of appropriation and the place of use under Certificate 66225. The Department assigned the application number T-11525.
2. Notice of the application for transfer was published on January 29, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On December 20, 2013, the applicant's Certified Water Rights Examiner (CWRE) submitted a revised map, which also identifies the remaining lands under Certificate 66225, not being changed by the transfer.
4. On February 6, 2014, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-11525 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 6, 2014, 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.
5. On April 1, 2014, the Department issued a Preliminary Determination proposing to approve Transfer Application T-11525 and sent a copy to the applicant. Additionally, notice of the

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Preliminary Determination for the transfer application was published on the Department's weekly notice on April 8, 2014, and in the Lake County Examiner newspaper on April 9 and 16, 2014, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

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

**Certificate:** 66225 in the name of THE POPLARS RANCH, INC. (perfected under Permit G-10111)  
**Use:** IRRIGATING 5.4 ACRES  
**Priority Date:** APRIL 6, 1983  
**Rate:** 0.07 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 3.0 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	Measured Distances
27 S	15 E	WM	4	SW NE	1800 FEET SOUTH AND 1120 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 4

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
27 S	15 E	WM	4	SW NE		0.8
27 S	15 E	WM	4	NW NW	4	0.5
27 S	15 E	WM	4	SW NW		1.4
27 S	15 E	WM	4	NE SW		1.5
27 S	15 E	WM	4	NW SW		0.5
27 S	15 E	WM	4	NW SE		0.7

7. Transfer Application T-11525 proposes to move the authorized point of appropriation approximately 1.2 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	15 E	WM	33	NW NW	WELL 3: 1320 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33

8. Transfer Application T-11525 also proposes to change the place of use of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	15 E	WM	33	NE NW	5.4

***Transfer Review Criteria (OAR 690-380-4010)***

9. Water has been used within the last five years 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.
10. A pump, pipeline, and sprinkler system sufficient to use the amount of water being requested to transfer were present within the five-year period prior to submittal of Transfer Application T-11525.
11. The proposed changes would not result in enlargement of the right.
12. The proposed changes would not result in injury to other water rights.
13. All other application requirements are met.

**Conclusions of Law**

The change in point of appropriation and change in place of use proposed in Transfer Application T-11525 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

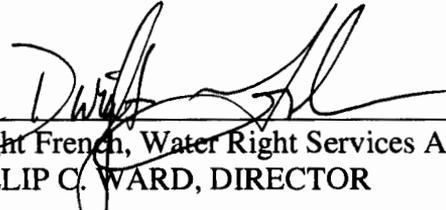
Now, therefore, it is ORDERED:

1. The change in point of appropriation and the change in place of use proposed in Transfer Application T-11525 are 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 66225 and any related decree.
3. Water right Certificate 66225 is cancelled. A new certificate will be issued describing that portion of the right not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
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 (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.
  - d. The meters or measuring devices shall be properly installed and maintained. Each meter shall be either within 50 feet of the well head with a clearly visible monument adjacent to

the meter or a surveyed location shall be provided and a clearly visible monument adjacent to the meter shall be installed for each meter more than 50 feet from the well head.

6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The former place of use of the transferred right shall no longer receive water under the right.
8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2015**. 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 changes and full beneficial use of the water.
9. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 19 day of May 2014.

  
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Dwight French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

Mailing Date:           **MAY 28 2014**