

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-12694, Yamhill County)	TEMPORARY CHANGE IN PLACE OF
)	USE

Authority

Oregon Revised Statute (ORS) 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 diversion 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

LANCEFIELD FARM COMPANY
TOM LANCEFIELD
313 EWALD AVE SE
SALEM, OR 97302

Findings of Fact

1. On June 15, 2017, LANCEFIELD FARM COMPANY, TOM LANCEFIELD filed an application to temporarily change the place of use under Certificate 42573 for a period of five years. The Department assigned the application number T-12694.
2. Notice of the application for transfer was published on June 20, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 17, 2017, the Department contacted the agent and applicant regarding deficiencies in the application.
4. On July 24, 2017, the agent for the applicant provided amended application pages to satisfy the deficiencies.

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.

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

Certificate: 42573 in the name of ROBERT LANCEFIELD (perfected under Permit S-31196)

Use: IRRIGATION of 16.1 ACRES

Priority Date: NOVEMBER 15, 1965

Rate: 0.20 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 a diversion of ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow 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 from direct flow and storage from reservoir constructed under Permit No. R-4713.

Source: SALT CREEK AND RESERVOIR CONSTRUCTED UNDER PERMIT NO. R-4713 tributary of the SOUTH YAMHILL RIVER

Authorized Points of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	4 W	WM	17	NW SW	42	4020 FEET NORTH AND 70 FEET EAST FROM THE SE CORNER OF LANCEFIELD DLC 44
5 S	4 W	WM	20	NE NW	42	1180 FEET NORTH AND 1650 FEET EAST FROM THE SE CORNER OF LANCEFIELD DLC 44
5 S	4 W	WM	20	NE SW	73	670 FEET SOUTH AND 1980 FEET EAST FROM THE SE CORNER OF LANCEFIELD DLC 44

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	20	NW NW	42	4.4
5 S	4 W	WM	20	SW NW	42	11.7
Total						16.1

6. Temporary Transfer Application T-12694 proposes to temporarily change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	18	SW SE	44	4.0
5 S	4 W	WM	19	NW NE	44	7.4
5 S	4 W	WM	19	SW NE	44	3.6
5 S	4 W	WM	19	SE NW	44	0.4
5 S	4 W	WM	20	NW SW		0.7
Total						16.1

Temporary Transfer Review Criteria

7. 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.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
9. The proposed change would not result in enlargement of the right.
10. 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 application Temporary Transfer Application T-12694 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-12694 is approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2017, 2018, 2019, 2020, and 2021 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2021 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change cause injury to any existing water right.
5. A subsequent application for permanent transfer of Certificate 42573 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 42573.
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 right described by Certificate 42573 shall continue to be in accordance with the terms and conditions of Certificate 42573.

Dated at Salem, Oregon this 14 day of August, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: AUG 23 2017