BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING A
T-12762, Klamath County)	CHANGE IN POINTS OF
)	APPROPRIATION AND PLACES OF
)	USE

Authority

Oregon Revised Statutes (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. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

VALE RANCHES, LLC 1606 AMARAL CT FAIRFIELD, CA 94534

Findings of Fact

- 1. On October 16, 2017, Vale Ranches, LLC, filed an application to change the points of appropriation and to change the places of use under Certificate 87990 and 87991. The Department assigned the application number T-12762.
- 2. Notice of the application for transfer was published on October 24, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On February 12, 2020, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12762 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 13, 2020 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.

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.

- 4. On March 19, 2020 the Department issued a Preliminary Determination proposing to approve Transfer Application T-12762 and sent a copy to the applicant(s). Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on March 24, 2020, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 5. The first right to be transferred is as follows:

Certificate: 87990 in the name of RLF KLAMATH PROPERTIES, LLC (perfected

under Permit G-10695)

Use: IRRIGATION of 206.6 ACRES

Priority Date: FEBRUARY 17, 1987

Rate: 2.59 CUBIC FEET PER SECOND (CFS), BEING 1.43 CFS FROM WELL

NO. 1 AND 1.16 CFS FROM WELL NO. 2

Limit/Duty: The amount of water used for irrigation, 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, 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: THREE WELLS, tributary to BUCK CREEK BASIN (tributary to LOST

RIVER BASIN)

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	sw sw	WELL NO. 1 (ORIGINAL) - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	· 22	SW SE	WELL NO. 2 (ORIGINAL) - 850 FEET NORTH AND 530 FEET EAST FROM THE S1/4 CORNER OF SECTION 22
37 S	11.5 E	WM	22	SE NW	WELL NO. 3 – 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	Acres			
	Well 1 & 3							
37 S	11.5 E	WM	15	NW SW	0.2			
37 S	11.5 E	WM	15	SW SW	5.1			
37 S	11.5 E	WM	16	SW NE	12.3			
37 S	11.5 E	WM	16	SE NE	1.3			
37 S	11.5 E	WM	16	SE NW	0.1			
37 S	11.5 E	WM	16	NE SW	5.6			
37 S	11.5 E	WM	16	NE SE	25.3			
37 S	11.5 E	WM	16	NW SE	39.8			
37 S	11.5 E	WM	16	SW SE	9.2			
37 S	11.5 E	WM	16	SE SE	9.6			
37 S	11.5 E	WM	22	SW NW	0.5			
37 S	11.5 E	WM	22	SE NW	2.4			
37 S	11.5 E	WM	22	NW SW	2.2			
·		Well 2	& 3					
37 S	11.5 E	WM	22	NW SW	1.0			

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		
37 S	11.5 E	WM	22	SW SW	3.3		
37 S	11.5 E	WM	22	SE SW	7.0		
37 S	11.5 E	WM	22	NW SE	0.3		
37 S	11.5 E	WM.	22	SW SE	23.6		
37 S	11.5 E	WM	22	SE SE	8.5		
37 S	11.5 E	WM	26	NW NW	0.9		
37 S	11.5 E	WM	26	SW NW	14.8		
37 S	11.5 E	WM	26	NW SW	9.3		
37 S	11.5 E	WM	27	NE NE	6.2		
37 S	11.5 E	WM	27	NW NE	7.3		
37 S	11.5 E	WM	27	SE NE	10.0		
37 S	11.5 E	WM	27	NE NW	0.7		
37 S	11.5 E	WM	27	NE SE	0.1		
	` .			Total	206.6		

6. Transfer Application T-12762 proposes to use all three wells on all lands.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO. 1 - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SW SE	WELL NO. 2 - 850 FEET NORTH AND 530 FEET EAST FROM S1/4 THE CORNER OF SECTION 22
37 S	11.5 E	WM	22	SE NW	WELL NO. 3 – 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

7. Transfer Application T-12762 also proposes to change the place of use of the right to:

		IRRI	GATIO	<u> </u>	
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	11.5 E	WM	16	SW NE	14.9
37 S	11.5 E	WM	16	SENE	0.6
37 S	11.5 E	WM	16	SE NW	1.0
37 S	11.5 E	WM	16	NE SW	8.6
37 S	11.5 E	WM	16	SE SW	0.2
37 S	11.5 E	WM	16	NE SE	10.8
37 S	11.5 E	WM	16	NW SE	40.0
- 37 S	11.5 E	WM	16	SW SE	6.0
37 S	11.5 E	WM	22	SW NE	3.0
37 S	11.5 E	WM	22	NE NW	0.5
37 S	11.5 E	WM	22	SW NW	0.5
37 S	11.5 E	WM	22	SE NW	22.3
37 S	11.5 E	WM	22	NE SW	4.5
37 S	11.5 E	WM	22	NW SW	5.5
37 S	11.5 E	WM	22	NW SE	18.5
37 S	11.5 E	WM	22	SW SE	10.6
37 S	11.5 E	WM	22	SE SE	9.0
37 S	11.5 E	WM	26	NW NW	1.5
37 S	11.5 E	WM	26	SW NW	17.3
37 S	11.5 E	WM	26	NW SW	9.5
37 S	11.5 E	WM	27	NE NE	6.4
37 S	11.5 E	WM	27	NW NE	6.5
37 S	11.5 E	WM	27	SE NE	8.9
		_		Total	206.6

8. The second right to be transferred is as follows:

Certificate: 87991 in the name of RLF KLAMATH PROPERTIES, LLC (perfected

under Permit G-1790)

Use: IRRIGATION of 199.4 ACRES

Priority Date: MARCH 8, 1961

Rate: 2.49 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, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, 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: THREE WELLS, tributary to BUCK CREEK BASIN (LOST RIVER

BASIN)

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
37 S	11.5 E	WM	15	SW SW	WELL NO.1 (ORIGINAL) - 450 FEET NORTH AND 390 FEET EAST FROM THE SW CORNER OF SECTION 15
37 S	11.5 E	WM	22	SE NW	WELL NO.2 - 850 FEET NORTH AND 530 FEET EAST FROM THE S1/4 CORNER OF SECTION 22
37 S	11.5 E	WM	22	SW SE	WELL NO.3 - 2000 FEET SOUTH AND 1710 FEET EAST FROM THE NW CORNER OF SECTION 22

Authorized Place of Use:

	IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres		
37 S	11.5 E	WM	15	SW SW	17.4		
37 S	11.5 E	WM	15	SE SW	0.1		
37 S	11.5 E	WM	16	NE SE	0.3		
37 S	11.5 E	WM	16	SE SE	3.6		
37 S	11.5 E	WM	22	SW NE	13.6		
37 S	11.5 E	WM	22	NE NW	17.2		
37 S	11.5 E	WM	22	NW NW	22.8		
37 S	11.5 E	WM	22	SW NW	1.1		
37 S	11.5 E	WM	22	SE NW	28.4		
37 S	11.5 E	WM	22	NE SW	40.0		
37 S	11.5 E	WM	22	NW SW	7.6		
37 S	11.5 E	WM	22	SE SW	13.2		
37 S	11.5 E	WM	22	NE SE	0.3		
37 S	11.5 E	WM	22	NW SE	32.8		
37 S	11.5 E	WM	22	SW SE	1.0		
				Total	199.4		

9. Transfer Application T-12762 proposes to change the place of use of the right to:

IRRIGATION							
Twp	Rng '	Mer	Sec	Q-Q	Acres		
37 S	11.5 E	WM	15	NW SW	0.2		
37 S	11.5 E	WM	15	SW SW	17.8		
37 S	11.5 E	WM	16	NE SE	1.2		
37 S	11.5 E	WM	16	SE SE	33.8		
37 S	11.5 E	WM	21	NE NE	11.7		
37 S	11.5 E	WM	21	SE NE	0.3		
37 S	11.5 E	WM	22	NE NW	10.9		
37 S	11.5 E	WM	22	NW NW	40.0		
37 S	11.5 E	WM	22	SW NW	13.4		
37 S	11.5 E	WM	22	SE NW	1.8		
37 S	11.5 E	WM	22	NE SW	33.1		
37 S	11.5 E	WM	22	NW SW	3.7		
37 S	11.5 E	WM	22	SW SW	1.8		
37 S	11.5 E	WM	22	SE SW	18.4		
37 S	11.5 E	WM	22	NW SE	2.7		
37 S	11.5 E	WM	22	SW SE	7.6		
37 S	11.5 E	WM	27	NW NE	0.5		
37 S	-11.5 E	WM	27	NE NW	0.5		
				Total	199.4		

Transfer Review Criteria (OAR 690-380-4010)

- 10. Water has been used within the last five years. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
- 11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12762.
- 12. The proposed changes would not result in enlargement of the rights.
- 13. The proposed changes would not result in injury to other water rights.
- 14. All other application requirements are met.

Conclusions of Law

The change in points of appropriation and change in places of use proposed in Transfer Application T-12762 are 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 points of appropriation and change in places of use proposed in Transfer Application T-12762 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 Certificates 87990 and 87991 and any related decree.
- 3. Water right Certificates 87990 and 87991 are cancelled.
- 4. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original points 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.
 - 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. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

- 7. The former places of use of the transferred rights 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**, **2021**. 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, new certificates confirming the rights transferred will be issued.

Date	ed in	Salem,	Oregon on	ΔPR	3 0	•
			0	APR	.7 71	- 1

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

THOMAS M BYLER, DIRECTOR Oregon Water Resources Department

Mailing date: MAY 0 1 2020