

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-12348, Klamath County)	ADDITIONAL POINT OF
)	APPROPRIATION AND CHANGE IN
)	PLACE 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

GLEN AND REBECCA HALVORSON
17000 W LANGELL VALLEY RD
BONANZA, OR 97623

Findings of Fact

1. On April 20, 2016, Glen and Rebecca Halvorson filed an application for an additional point of appropriation and to change the place of use under Certificate 87661. The Department assigned the application number T-12348.
2. Notice of the application for transfer was published on April 26, 2016, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On June 21, 2016, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12348 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of July 21, 2016, for the applicants to respond. The applicants 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.
4. On September 12, 2016, the Department issued a Preliminary Determination proposing to approve Transfer T-12348 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on September 13, 2016, and in the Herald and News newspaper on November 18 and 25, 2016 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

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.

5. The right to be transferred is as follows:

Certificate: 87661 in the name of GLEN AND REBECCA HALVORSON (perfected under Permit G-12455)

Use: IRRIGATION of 62.6 ACRES AND SUPPLEMENTAL IRRIGATION of 160.8 ACRES

Priority Date: APRIL 20, 1992

Rate: 0.74 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, 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

Period of Use: April 15 to October 15

Source: A WELL within the LOST RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 E	WM	26	NW NE	WELL 1- 172 FEET SOUTH AND 2037 FEET WEST FROM THE NE CORNER OF SECTION 26

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	13 E	WM	23	SW SE	17.4
40 S	13 E	WM	26	NW NE	19.4
40 S	13 E	WM	26	SW NE	24.0
40 S	13 E	WM	26	SE NW	1.8
Total:					62.6

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
40 S	13 E	WM	23	SW SE	1.1
40 S	13 E	WM	23	SE SE	35.6
40 S	13 E	WM	26	NE NE	38.2
40 S	13 E	WM	26	NW NE	2.7
40 S	13 E	WM	26	SW NE	8.5
40 S	13 E	WM	26	SE NE	37.8
40 S	13 E	WM	26	NE SE	34.9
40 S	13 E	WM	26	NW SE	2.0
Total:					160.8

6. Transfer Application T-12348 proposes an additional point of appropriation approximately 2500 feet from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	13 E	WM	26	SW NE	WELL 2: 30 FEET NORTH AND 1180 FEET EAST FROM THE CENTER OF SECTION 26

7. Transfer Application T-12348 proposes to add the additional point of appropriation to all of the acres and change the place of use for a portion of the primary irrigation acres. The proposed changes are outlined in the tables below as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Proposed Changes with Acres	
					APOD	POU
40 S	13 E	WM	23	SW SE	8.4	
40 S	13 E	WM	26	NW NE	11.0	--
40 S	13 E	WM	26	SW NE	24.0	--
40 S	13 E	WM	26	SW NE	17.4	--
40 S	13 E	WM	26	SE NW	1.8	--
Sub Totals:					54.2	8.4
Total:					62.6	

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Proposed Changes with Acres	
					APOD	POU
40 S	13 E	WM	23	SW SE	1.1	--
40 S	13 E	WM	23	SE SE	35.6	--
40 S	13 E	WM	26	NE NE	38.2	--
40 S	13 E	WM	26	NW NE	2.7	--
40 S	13 E	WM	26	SW NE	8.5	--
40 S	13 E	WM	26	SE NE	37.8	--
40 S	13 E	WM	26	NE SE	34.9	--
40 S	13 E	WM	26	NW SE	2.0	--
Total:					160.8	

Transfer Review Criteria (OAR 690-380-4010)

8. 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.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12348.
10. The proposed change would not result in enlargement of the right.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

Conclusions of Law

The additional point of appropriation and change in place of use proposed in Transfer Application T-12348 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 additional point of appropriation and change in place of use proposed in Transfer Application T-12348 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 87661 and any related decree.
3. Water right Certificate 87661 is cancelled.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this certificate, then use of water from the wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
6. If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.
7. 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.
8. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
9. The former place of use of the transferred right shall no longer receive water under the right.

10. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2018**. 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.
11. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 28 day of December 2016.



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

Mailing date: ~~JAN 02 2016~~ JAN 02 2017