# BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-11563, Lake County	)	TEMPORARY CHANGE IN 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 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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

## **Applicant**

LEON E. AND BETTY JUNE BAKER P.O. BOX 65 SILVER LAKE, OR 97638

#### **Findings of Fact**

# Background

- 1. On April 5, 2013, LEON E. AND BETTY JUNE BAKER filed an application to temporarily change the place of use under Certificate 66571 for a period of five years. The Department assigned the application number T-11563.
- 2. Notice of the application for transfer was published on April 16, 2013, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. The portion of the right to be transferred is as follows:

Certificate: 66571 in the name of LEON E. BAKER (perfected under Permit G-10712)

Use: IRRIGATION OF 32.9 ACRES

Priority Date: December 15, 1986

**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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each

vear.

**Source:** A WELL in the FORT ROCK BASIN

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.

### **Authorized Point of Appropriation:**

Twp	Rng	Rng Mer		Q-Q	Measured Distances		
27 S	13 E	WM	22	NW SE	10 FEET NORTH AND 1310 FEET EAST FROM THE SW CORNER OF THE NW¼ SE¼ OF SECTION 22		

#### **Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		
27 S	13 E	WM	22	SW NE	24.5		
27 S	13 E	WM	22	NW SE	8.4		

4. Temporary Transfer Application T-11563 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres		
27 S	13 E	WM	22	SE NW	10.3		
27 S	13 E	WM	22	NE SW	22.6		

# Temporary Transfer Review Criteria

- 5. 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.
- 6. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right is present.
- 7. The proposed change, as conditioned, would not result in enlargement of the right.
- 8. The proposed change, as conditioned, 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- 11563 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-11563 is approved.
- 2. The former place of use **shall not** be irrigated as part of this water right during the 2013, 2014, 2015, 2016 and 2017 irrigation seasons.
- 3. The use shall revert to the authorized place of use at the end of the 2017 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 66571 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 66571.
- The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
- 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 (existing).
  - b. The water user shall maintain the meter or measuring device in good working order.
  - c. The water user shall allow the Watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the Watermaster shall request access upon reasonable notice.
- The use of the remaining water right described by Certificate 66571 shall continue to be in accordance with the terms and conditions of Certificate 66571.

Dated at Salem, Oregon this 28 day of May 2013.

nch, Water Right Services Administrator, for C. WARD, DIRECTOR

Mailing Date: Nay 30 2013