

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

In the Matter of Transfer Application)	FINAL ORDER APPROVING AN
T-12096, Harney County)	EMERGENCY USE DROUGHT
)	TEMPORARY ADDITIONAL POINT
)	OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 536.750 establishes the process in which a water right holder may submit a request to temporarily transfer the use, place of use or point of diversion of water in the event of a declaration of drought, without complying with the notice and waiting requirements under ORS 540.520. Oregon Administrative Rule (OAR) Chapter 690, Division 019 implements the statutes and provides the Department's procedures and criteria for evaluating drought transfer applications.

Applicant

CHRISTOPHER AND DANIELLE GREGG
29724 HWY 20 W
HINES, OR 97738

Findings of Fact

1. On July 6, 2015, CHRISTOPHER and DANIELLE GREGG filed an application to temporarily add a point of appropriation under Certificate 90309 for the remainder of the 2015 irrigation season or the term of the Governor's declared drought, whichever is shorter. The Department assigned the application number T-12096.
2. Notice of the application for transfer was published on July 14, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The right to be temporarily transferred is as follows:
 - Certificate:** 90309 in the name of CHRISTOPHER AND DANIELLE GREGG (perfected under Permit G-13485)
 - Use:** IRRIGATION OF 6.7 ACRES, SUPPLEMENTAL IRRIGATION OF 446.8 ACRES, AND INDUSTRIAL USE (GEOTHERMAL HEATING)
 - Priority Date:** NOVEMBER 24, 1997
 - Rate:** 3.23 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

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.

ONE-EIGHTIETH of one cubic foot per second, (or its equivalent) and 3.0 acre-feet per acre irrigated during the irrigation season of each year.

Period of Use: The period of use is year round for INDUSTRIAL USE (GEOTHERMAL HEATING) and March 1 through September 1 for IRRIGATION

Source: WELL 2 in the WEST FORK SILVIES RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	30 E	WM	26	NE SE	WELL 2-HARN 314- 2544 FEET NORTH AND 907 FEET WEST FROM THE SE CORNER OF SECTION 26

Authorized Place of Use:

INDUSTRIAL USE (GEOTHERMAL HEATING)					
Twp	Rng	Mer	Sec	Q-Q	
23 S	30 E	WM	26	SE NE	

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NW	3.70
23 S	30 E	WM	36	SW NW	3.00
Total					6.70

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	36	NE NE	40.00
23 S	30 E	WM	36	NW NE	38.00
23 S	30 E	WM	36	SW NE	40.00
23 S	30 E	WM	36	SE NE	38.00
23 S	30 E	WM	36	NE NW	34.80
23 S	30 E	WM	36	NW NW	33.00
23 S	30 E	WM	36	SW NW	23.00
23 S	30 E	WM	36	SE NW	40.00
23 S	30 E	WM	36	NE SW	40.00
23 S	30 E	WM	36	NE SE	40.00
23 S	30 E	WM	36	NW SE	40.00
23 S	30 E	WM	36	SE SE	40.00
Total					446.8

4. An additional point of appropriation is necessary to convey the water to the authorized place of use. Temporary Transfer Application T-12096 proposes an additional point of appropriation approximately 0.6 mile south from the authorized point to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	30 E	WM	26	NE SE	GLERUP WELL-HARN 320- 690 FEET SOUTH AND 420 FEET WEST FROM THE NE CORNER OF SECTION 35

Temporary Drought 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 are present.
7. The Governor issued an executive order on April 6, 2015, declaring a state of drought emergency in Harney County due to drought and extreme weather conditions, which is still in effect and the water right proposed for transfer is on lands included in the area covered by the drought order.
8. The proposed changes would not result in enlargement of the rights.
9. The proposed changes 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 OAR 690-019-055(3) if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.

Conclusions of Law


The temporary change in an additional point of appropriation proposed in Temporary Drought Transfer Application T-12096 are consistent with the requirements of ORS 536.750 and OAR 690-019-0055.

Now, therefore, it is ORDERED:

1. The temporary change in an additional point of appropriation proposed in Temporary Drought Transfer Application T-12096 is approved.
2. The approval of this temporary drought transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
3. Prior to using water from any well listed on this certificate, the water user shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. 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 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.
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 well(s) 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. The proposed change in additional point of appropriation shall revert to the authorized point of appropriation at the end of the 2015 irrigation season or the end of the Governor's declared drought, whichever occurs first.

Dated at Salem, Oregon this 4th day of August 2015.



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

Mailing Date: AUG 07 2015