

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-13371, Lake County	)	ADDITIONAL POINT OF APPROPRIATION,
	)	AND CHANGES 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**

BUCK CHURCH  
CHURCH FAMILY FARMS, INC.  
PO BOX 751  
CHRISTMAS VALLEY, OR 97641

**Findings of Fact**

1. On February 14, 2020, BUCK CHURCH, CHURCH FAMILY FARMS, INC. filed an application for an additional point of appropriation, to change the point of appropriation, and to change the place of use under Certificate 52784, to change the point of appropriation under Certificate 94834, and to change the point of appropriation and place of use under Certificate 94835. The Department assigned the application number T-13371.
2. Notice of the application for transfer was published on February 25, 2020, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

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.

3. On July 30, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of deficiencies in the application. The application proposed to make changes under Certificate 52784. On May 4, 2021, the Department issued a Final Order (Special Order Volume 120, Page 140), approving Transfer Application T-13122, cancelling Certificate 52784, and issuing superseding Certificate 95680. The acres in Table 2 under Certificate 52784 (Certificate 95680), did not match the acres on the map, and the location for Well A in Table 1 under Certificate 94835, did not match the location identified on the map. The Department requested that the deficiencies be resolved by August 30, 2021. The applicant's agent submitted revised tables and maps the same day, resolving the deficiencies.
4. On September 8, 2021, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-13371 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of October 8, 2021, 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.
5. On February 16, 2022, the Department issued a Preliminary Determination proposing to approve Transfer T-13371 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 February 22, 2022, and in the Lake County Examiner newspaper on \_\_\_\_\_, 2022 pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

6. The first right to be transferred is as follows:

**Certificate:** 94834 in the name of CHURCH FAMILY FARMS, INC. (perfected under Permit G-9015)  
**Use:** IRRIGATION of 5.1 ACRES  
**Priority Date:** AUGUST 7, 1980  
**Rate:** 0.06 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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:** A WELL, a tributary of CHRISTMAS LAKE

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	29	SW SW	WELL B - 1290 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	32	NW NW	5.1

7. Transfer Application T-13371 proposes to move the authorized point of appropriation approximately 0.7 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE C1/4 CORNER OF SECTION 31

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

**Certificate:** 94835 in the name of CHURCH FAMILY FARMS, INC. (perfected under Permit G-10172)  
**Use:** IRRIGATION of 35.48 ACRES  
**Priority Date:** OCTOBER 4, 1983  
**Rate:** 0.44 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, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, 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; provided further that in an event of a request for change in point of appropriation, an additional point of appropriation or repair of this well, the quantity of water allowed herein together with the right perfected under Permit G-9015 shall not exceed 2.97 cfs, the capacity of this well at the time of perfection of this right.  
**Source:** A WELL, a tributary of CHRISTMAS LAKE

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	29	SW SW	WELL B - 1290 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 29

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	18 E	WM	32	NW NW	35.48

9. Transfer Application T-13371 proposes to move the authorized point of appropriation for a 28.78 acre portion approximately 0.7 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	18 E	WM	31	NE NE	WELL A - 1410 FEET NORTH AND 1320 FEET EAST FROM THE C1/4 CORNER OF SECTION 31

10. Transfer Application T-13371 proposes to move the authorized point of appropriation for a 6.70 acre portion approximately 9.9 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	31	SE SW	WELL - 1398 FEET SOUTH AND 1277 FEET EAST FROM THE W1/4 CORNER OF SECTION 31

11. Transfer Application T-13371 also proposes to change the place of use for a portion of the right to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
27 S	17 E	WM	31	SE SW	6.70

12. The third right to be transferred is as follows:

**Certificate:** 95680 in the name of JOE OXENFORD, JR. (perfected under Permit G-8199)

**Use:** IRRIGATION of 205.2 ACRES

**Priority Date:** APRIL 27, 1978

**Rate:** 2.56 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 ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

**Source:** A WELL, a tributary of FORT ROCK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	32	NE SW	WELL #1 - 1320 FEET NORTH AND 2640 FEET EAST FROM THE SW CORNER OF SECTION 32

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed changes
27 S	17 E	WM	32	NE SW	30.8	APOA
27 S	17 E	WM	32	NE SW	2.5	POU/POA
27 S	17 E	WM	32	NW SW	2.5	POU/POA
27 S	17 E	WM	32	NW SW	30.3	APOA
27 S	17 E	WM	32	SW SW	2.5	POU/POA
27 S	17 E	WM	32	SW SW	30.3	APOA
27 S	17 E	WM	32	SE SW	2.5	POU/POA
27 S	17 E	WM	32	SE SW	29.3	APOA
27 S	17 E	WM	32	NE SE	15.2	APOA
27 S	17 E	WM	32	NW SE	34.7	APOA
27 S	17 E	WM	32	SW SE	17.0	APOA

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed changes
27 S	17 E	WM	32	SE SE	7.6	APOA
					Total	205.2

13. Transfer Application T-13371 proposes to move the authorized point of appropriation for a 10.0 acre portion approximately 1.2 miles from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	31	SE SW	WELL - 1398 FEET SOUTH AND 1277 FEET EAST FROM THE W1/4 CORNER OF SECTION 31

14. Transfer Application T-13371 proposes an additional point of appropriation for the remaining 195.2 acres approximately 0.3 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
27 S	17 E	WM	32	SE SW	WELL #2 - 1305 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER OF SECTION 32

15. Transfer Application T-13371 also proposes to change the place of use of the right to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	
27 S	17 E	WM	31	SW SW	10.0	

**Transfer Review Criteria (OAR 690-380-4010)**

16. 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 rights are subject to forfeiture under ORS 540.610.
17. 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-13371.
18. The proposed changes would not result in enlargement of the rights.
19. The proposed change would not result in injury to other water rights.
20. All other application requirements are met.

**Conclusions of Law**

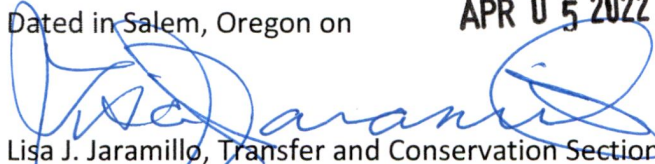
The change in points of appropriation, additional point of appropriation, and change in places of use proposed in Transfer Application T-13371 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

**Now, therefore, it is ORDERED:**

1. The change in points of appropriation, additional point of appropriation, and change in places of use proposed in Transfer Application T-13371 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 94834, 94835, and 95680, and any related decree.
3. Water right Certificates 94834, 94835, and 95680 are cancelled. A new certificate will be issued describing that portion of Certificate 94835 not affected by this transfer.
4. The quantity of water, as authorized under Certificate 94834, diverted at the new point of appropriation (Well A), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well B).
5. The quantity of water, as authorized under Certificate 94835, diverted at the new points of appropriation (Well and Well A), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well B).
6. The quantity of water, as authorized under Certificate 95680, diverted at the new point of appropriation (Well), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).
7. The quantity of water, as authorized under Certificate 95680, diverted at the new additional point of appropriation (Well #2), together with that diverted at the original point of appropriation (Well #1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Well #1).
8. 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 new 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.
9. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
10. The former places of use of the transferred rights shall no longer receive water under the rights.

11. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. 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.
12. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated in Salem, Oregon on **APR 05 2022**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
THOMAS M BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date: APR 06 2022